



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Conduct Public Hearing to consider the appeal from Neumiller & Beardslee, on behalf of Legends Unlimited, regarding the Planning Commission's decision to revoke Use Permit No. 99-02 for Legends Unlimited.

MEETING DATE: August 21, 2002

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council uphold the Planning Commission's decision and revoke use permit 99-02 effective September 19, 2002 unless a change of ownership occurs prior to that date.

BACKGROUND INFORMATION: On July 10, 2002, the Lodi Planning Commission took action to revoke Use Permit 99-02 for Legends located at 27 West Elm Street. The Commission's action provided for an effective date of the revocation of September 19, 2002 if the business has not been transferred to an unrelated entity. Should a transfer occur prior to September 19th, the Use Permit would remain in effect with the new owner.

As the Planning Commission packet outlines, staff from the City met with representatives of Legends beginning in June 2001. The purpose of the initial meeting was to describe what staff felt was inappropriate activity occurring at the business. Specifically, the Use Permit for the business is based on the fact that Legends would operate as a bona fide restaurant. Also, there are an excessive number of calls for Police service.

With regard to the issue of restaurant service, the belief is that Legends does not operate within the industry norm. As an example, the State Department of Alcoholic Beverage Control (ABC) presumes that a licensee is operating as a bona fide eating place if the gross sales of food prepared and sold to guests on the premises exceeds the gross sales of alcoholic beverages. The Stockton office of ABC conducted an audit of the business for the period from January 1, 2001 to December 2001 and found that Legend's gross sales for alcoholic beverages exceeded \$500,000 and food sales were just over \$40,000 or less than ten percent of total sales.

The discussion about excessive Police calls for service was not as clear for the Commission. In fact, the majority of the Commission felt that staff did not present enough data to base their decision to revoke the Use Permit. That having been said, the alcohol vs. food sales issue was enough for their ultimate decision.

Even though the Commission found the information regarding Police calls for services lacking, we still feel that it is important to present the information to the City Council. As the Council is aware, the Police

APPROVED: _____

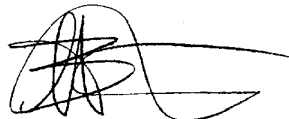
H. Dixon Flynn
H. Dixon Flynn -- City Manager

Department logs calls for service by address in the community. Further, the call is described on this log by the type of incident. Within this log, which runs from June, 2001 to the Planning Commission hearing date of July 10, 2002 there were 75 calls of various types that the Police Department considers serious. Of note are the 10 calls since May 15, 2002, which is when staff informed Legends that we were scheduling a public hearing for Planning Commission review.

The second piece of information that is included for City Council's benefit is a study that was conducted by CLEW Associates from Berkeley, CA. That study looked at alcohol and/or drug incidents within the City of Lodi for calendar year 2000. Associates of the firm reviewed all the Police reports for the timeframe involved, and culled out just those that were associated to alcohol or drugs. The basis of the study is to help the city and local groups understand any patterns that might exist geographically. A result of the study indicates specific calls for Police service by alcohol outlet location. The listing shows all off-sale (consumption off premises) and on-sale (restaurant or bar) locations in the City ranked by the number of alcohol or drug calls and arrests. As shown, Legends ranked #2 for on-sale establishments with 29 incidents and 35 arrests. The types of incidents included assaults, drunk in public, and under the influence of drugs. For further clarification, it should be noted that for restaurants, in the City of Lodi, the average number of calls was 3.7 and for bars it was 11.8.

Again the issue before the City Council is to determine whether the Planning Commission's decision is appropriate. Even if you disregard the issue of Police calls for service, as the Commission did, the concern over Legend's lack of ability to operate as a restaurant is enough to support the Commission's action. I would note that the owners of Legends themselves must concur with that conclusion otherwise why would they represent to the City Council that they are now seeking a different type of alcohol license that does not require food sales?

FUNDING: None required

A handwritten signature in black ink, appearing to read 'Konradt Bartlam', with a long horizontal line extending to the right.

Konradt Bartlam
Community Development Director

KB/lw

Attachments

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Match	Event	Receive Time	Class	Address	Synopsis
1-Main	02026533	7/7/02 2:56:44 AM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS **914 RPT**914 RPT**914	DELAYED THREATS RPT - SUSP INFO
2-Main	02026352	7/6/02 12:52:32 AM	415P	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
3-Main	02026007	7/6/02 2:02:10 PM	415P	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	FOUND PURSE
4-Main	02025421	6/30/02 12:37:27 AM	415P	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
5-Main	02025390	6/29/02 10:40:25 PM	415P	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	415 IN FRONT
6-Main	02023769	6/19/02 5:43:35 PM	415P	27 W ELM ST / N SACRAMENTO ST (LEGENDS)	
7-Main	02023689	6/18/02 11:29:11 PM	415P	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	HMA WEARING BLU SHIRT BLU SHORTS TRYING TO START A 415
8-Main	02023544	6/18/02 1:43:34 AM	892	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	IN THE ALLEY BEHIND
9-Main	02023402	6/16/02 10:33:42 PM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	REPORT OF MALE SUBJECTS ON THE CORNER ACROSS FROM
10-Main	02023120	6/16/02 3:32:12 AM	892	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
11-Main	02022770	6/10/02 7:02:02 PM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	4D OLDER MODEL IN PARKING LOT
12-Main	02022710	6/10/02 7:02:02 PM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	922 RONNY KEITH MEIER ACROSS FROM LEGENDS IN THE ALLEY
13-Main	02022489	6/10/02 10:35:52 PM	415P	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	415 VERBAL...MALE REFUSING TO LEAVE...WMA GOATEE RED HAT
14-Main	02022190	6/9/02 12:40:55 AM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	415
15-Main	02022179	6/9/02 12:11:33 AM	245	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	CORRECT TIME IS 00:10 415 JUST OCCURRED - CONTACT SECURITY
16-Main	02022040	6/8/02 12:49:00 AM	892	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
17-Main	02021487	6/4/02 10:25:05 PM	892	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	8 WILL BE TRANSPORTING PLUMBER AT 2237 HRS
18-Main	02020974	5/31/02 9:56:53 PM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	940 W/ RP AT IN FRONT O LEGENDS FOR A DEL 415
19-Main	02020814	5/30/02 10:46:32 PM	484	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	ONE IN CUSTODY FOR 484 OF PURSE
20-Main	02019830	5/14/02 6:20:00 PM	574	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	MALE EATING ON SIDEWALK
21-Main	02019802	5/14/02 6:20:00 PM	574	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
22-Main	02019800	5/14/02 6:20:00 PM	574	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
23-Main	02019080	5/18/02 9:56:22 PM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	940 W/MELPO ADAMS STATES LEGENDS WILL NOT ALLOW HER IN
24-Main	02018942	5/18/02 12:54:53 AM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	647(+) ARREST
25-Main	02018636	5/16/02 12:43:31 AM	415P	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	HMA WHI POLO W/BLK STRIPS, BROWN PANTS. TRYING TO GO INSIDE
26-Main	02018635	5/16/02 12:11:12 AM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	AREA CHECK FOR A 922 HMA EB ON ELM HMA WHI SHIRT BLK
27-Main	02018418	5/10/02 1:20:53 PM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	JUV'S ON THE 2ND FLOOR OF LEGENDS THROWING WET PAPER
28-Main	02018073	5/12/02 1:18:22 AM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
29-Main	02018067	5/12/02 12:58:40 AM	892	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
30-Main	02017906	5/11/02 1:24:50 AM	813	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
31-Main	02017882	5/10/02 11:46:35 PM	815	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	PKG LOT IN REAR
32-Main	02017032	5/5/02 3:20:45 AM	974	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	974 BLK TOY TRUCK IN THE PARKING LOT
33-Main	02016836	5/4/02 1:26:54 AM	892	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
34-Main	02016829	5/4/02 1:25:12 AM	813	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
35-Main	02016822	5/4/02 12:45:05 AM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	VERBAL

647(+) ARREST

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Match	Event	Receive Time	Class	Address	Synopsis
36-Main	02016019	5/4/02 12:31:59 AM	893	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
37-Main	02016024	4/28/02 1:23:57 AM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
38-Main	02016065	4/27/02 10:01:36 AM	LOB	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	RR IN LOBBY WANTS TO REPORT HER GIRLFRIEND WAS HOLDING
39-Main	02016066	4/27/02 1:33:27 AM	893	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
40-Main	02016068	4/28/02 1:09:17 PM	902	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
41-Main	02016073	4/28/02 11:42:10 PM		27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
42-Main	02016075	4/28/02 11:42:10 PM		27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
43-Main	02014633	4/18/02 11:47:13 PM	415P	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	DEL TWO HOURS BRO TOYT CAMRY 415 PHYSICAL...MA 47 Y/O BLU STRIPED SHIRT/BLU JEANS
44-Main	02014633	4/17/02 9:54:10 PM	974	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	ACROSS FRM THEATER CHECK FOR A WFA REMOVING THINGS
45-Main	02013998	4/13/02 5:40:15 PM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	DANIEL STRUVE WMA WHOS 922 DELAYED HIT AND RUN-914 RP
46-Main	02013998	4/13/02 5:40:15 PM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
47-Main	02013998	4/13/02 5:40:15 PM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
48-Main	02013998	4/13/02 5:40:15 PM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
49-Main	02013998	4/13/02 5:40:15 PM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
50-Main	02012676	4/4/02 11:49:38 PM	10851	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	SUBJ IS WAITING IN FRONT SAC CHP RECOVERED HIS
51-Main	02012038	3/31/02 12:59:08 AM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
52-Main	02012035	3/31/02 12:50:16 AM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
53-Main	02011827	3/29/02 10:20:12 PM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
54-Main	02011827	3/29/02 10:20:12 PM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
55-Main	02011421	3/27/02 12:23:45 PM	906	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	EMPLOYEE WANTS TO SPEAK W/OFCR RE/SUBJ INSIDE W/ID
56-Main	02010970	3/23/02 9:19:58 PM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	SUBJ LAYING IN FRONT OF AN OLDER MODEL BRO MINIVAN
57-Main	02010883	3/23/02 1:32:59 AM	974	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	CASE REQUESTED BY 066 ARREST "IS NOT" RELATED TO THE
58-Main	02010863	3/22/02 11:22:23 PM	974	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	CARRIED ON CASE 00-03496
59-Main	02010862	3/22/02 11:21:56 PM	242	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	FOR A DEL ASSAULT 02-3495
60-Main	02010867	3/22/02 11:02:41 PM	893	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	ARREST FOR A 647(F) AND A WARRANT LEGENDS INVOLVED
61-Main	02010041	3/17/02 2:01:26 AM	LCC	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	TIME OF OCCURANCE 0020
62-Main	02010041	3/17/02 2:01:26 AM	LCC	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	VEH LEFT RUNNING IN FRONT OF BUSINESS
63-Main	02008863	3/8/02 11:52:14 PM	974	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	MMA GRY SWEATSHIRT BLK STRIPE DOWN THE SLEEVE
64-Main	02008721	3/8/02 12:35:24 AM	415P	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	2FEMS VERBAL
65-Main	02008721	3/8/02 12:35:24 AM	415P	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
66-Main	02008721	3/8/02 12:35:24 AM	415P	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
67-Main	02007358	2/26/02 4:24:10 PM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	415 VERBAL 3 FEMALES 1FEMALE INSIDE LEGENDS THE OTHER TWO
68-Main	02007184	2/25/02 12:22:38 PM	LOB	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	THREATS REPORT--RP IN LOBBY
69-Main	02007024	2/24/02 1:41:49 AM	242	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	UNK TYPE OF SEXUAL BATTERY IN FRONT OF LEGENDS
70-Main	02006808	2/23/02 12:01:23 AM	893	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	

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	Match	Event	Receive Time	Class	Address	Synopsis
41	71-Main	02006231	2/18/02 8:25:11 AM	TRU	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	DELAYED LOST/STOLEN CELL PHONE **914 REPORT**
	72-Main	02005982	2/16/02 1:25:36 AM		27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
	73-Main	02005824	2/15/02 1:26:28 AM	893	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
	74-Main	02005446	2/14/02 10:44:36 AM	933N	27 W ELM ST / N SACRAMENTO ST, LODI (LEGENDS)	AUD FROM BACK DOOR... SECOND FLOOR
	75-Main	02005205	2/9/02 10:46:44 PM		27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	BEHIND LEGENDS CODE 4 ON A PARKING LOT
	76-Main	02004756	2/7/02 4:04:01 AM	813	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	EAST OF LEGENDS
	77-Main	02004257	2/3/02 1:08:22 AM	WV	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	SECURITY STATES 3 JUVS
	78-Main	02004096	2/1/02 10:47:50 PM	813	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
40	79-Main	02003965	2/1/02 1:19:14 AM	BP	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	SUBJS DRINKING INSIDE A BURG IMPALA. PARKED IN FRONT OF
	80-Main	02003238	1/26/02 11:02:44 PM	CVC	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	BLK 67 CHEVY IMPALA DRIVING REVERLY IN THE HIGH
39	81-Main	02003148	1/25/02 5:06:41 PM	484	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	DELY OF PURSE ***914 ONLY***
38	82-Main	02003074	1/24/02 11:04:42 PM	LCC	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	RP COMPLAINING THAT MUSIC AT LEGENDS IS TOO LOUD
					27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
					27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
37	85-Main	02001396	1/11/02 10:40:25 PM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	TWO 974 SUBJS A WMA BLU HAT BMA'S BLK BANDANA DARK
					27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
					27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
					27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
36	89-Main	01048499	12/29/01 12:32:46 AM	242	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	Case 01-14715
35	90-Main	01048431	12/28/01 1:10:35 PM	983	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	DISORIENTED MALE SUBJ INSIDE LEGENDS. RP WILL BE WAITING IN BUILDING ABOVE LEGENDS 2ND WINDOW FROM RIGHT ON
					27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
					27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
34	93-Main	01046979	12/16/01 12:24:50 AM	242	27 W ELM ST / N SACRAMENTO ST, LODI (LEGENDS)	242 JUST OCCURED
					27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
33	95-Main	01046728	12/14/01 11:00:26 AM	TRU	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	DELAYED VANDALISM TO VEHICLE...
32	96-Main	01046014	12/8/01 12:30:14 AM	242	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
31	97-Main	01046009	12/8/01 12:08:29 AM	242	27 W ELM ST / N SACRAMENTO ST, LODI (LEGENDS)	
30	98-Main	01046008	12/7/01 11:53:23 PM	415P	27 W ELM ST / N SACRAMENTO ST, LODI (MERLOT)	415 PHYS
					27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
29	100-Main	01044385	11/24/01 7:34:35 PM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
28	101-Main	01043201	11/16/01 1:09:13 AM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	Case 01-13005
					27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	WEA. BLU PANTS YELLOW TOP POSSIBLE 5150 SITTING ON THE
27	103-Main	01042160	11/8/01 1:19:01 AM	974	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	974 MALE GREEN SHIRT/BLK JEANS LAST SEEN GOING WB ON
26	104-Main	01041488	11/3/01 1:37:52 AM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	GROUP OF MALES GATHERING ACROSS THE ST FROM THE BAR
25	105-Main	01041317	11/2/01 12:05:04 AM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	MALE REF TO LEAVE... SITTING AT THE CORNER JOE VEGA GRY

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Match	Event	Receive Time	Class	Address	Synopsis
				27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	GROUP OF SUB IS BETWEEN AGES OF 15-20 PLAYING IN MIDDLE OF
				27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
				27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
109-Main	01039171	10/16/01 10:25:33 PM	974	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	50 YR OLD MALE WITH HAIR PULLED BACK IN PONYTAIL
				27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
				27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
112-Main	01036950	9/30/01 1:20:15 AM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	UNK TYPE 415
				27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
				27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
115-Main	01036791	9/29/01 12:23:07 AM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
116-Main	01036790	9/29/01 12:14:39 AM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
				27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
				27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	POSSIBLE H&S ACTIVITY BEHIND
119-Main	01036173	9/24/01 3:37:13 PM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	CHK FOR 922 WMA WHI SHIRT BLU SWEAT PANTS
				27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
				27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	ON A PARKING CITE
122-Main	01034981	9/15/01 11:09:13 PM	415P	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	2 MALES OUTSIDE CAUSING A 415 AT THE DOOR
123-Main	01034963	9/15/01 9:36:51 PM	415P	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	IN THE MIDDLE OF THE STREET PHYSICAL
124-Main	01034836	9/15/01 12:25:33 AM	LOB	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS, RP IN LOBBY)	TO VEH
				27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	BEHIND LEGENDS PEOPLE
				27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	BLOCKING THE ALLEY WAY
126-Main	01033074	9/1/01 10:48:14 PM	HS	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	CHECK RESTROOM FOR WMA PLAID SHIRT, TAN PANTS SELLING LOUD MUSIC FROM A VEH IN THE AREA
				27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
128-Main	01032771	8/30/01 11:10:29 PM	974	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
				27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
130-Main	01032726	8/30/01 4:13:43 PM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	BLU/WHI SHIRT STUMBLING TOWARDS LEGENDS
131-Main	01032655	8/29/01 10:54:48 PM	415P	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	4 ADULTS INVOLVED IN SOME TYPE OF 415. RP HEARD THEM
132-Main	01032476	8/28/01 1:33:49 PM	893	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
133-Main	01031325	8/19/01 7:55:59 PM	933N	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	AUD ALARM
				27 W ELM ST / N SACRAMENTO ST, LODI (LEGENDS)	
135-Main	01031179	8/18/01 8:32:32 PM	974	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	MALE SUBJ IN THE AREA ATTEMPTING TO START A FIGHT
136-Main	01031154	8/18/01 6:06:32 PM	933N	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	AUDIBLE, BACK DOOR, SPOKE W/A JASON WITHOUT A PROPER
137-Main	01030430	8/13/01 2:25:17 AM	5150	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	RP STATES HMA W/GUITAR BLU SHIRT GRY PANTS POSSIBLE 5150
138-Main	01030161	8/11/01 1:11:44 AM	415P	27 W ELM ST / N SACRAMENTO ST, LODI (LEGENDS)	LARGE GROUP PHY
139-Main	01029988	8/9/01 10:35:48 PM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	CASE 01-8722
140-Main	01029184	8/3/01 10:29:13 PM	HS	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	TWO FEM BARTENDERS W/ HS ACTIVITY

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Match	Event	Receive Time	Class	Address	Synopsis
141-Main	01029036	8/3/01 1:00:39 AM	842	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	SEPARATE EVENT SAME ADDRESS FOR A 242
142-Main	01029035	8/3/01 12:45:11 AM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	MALE SITTING OUTSIDE HARRASSING CUSTOMER
143-Main	01029037	8/3/01 1:26:42 AM		27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
144-Main	01029044	7/27/01 7:22:46 PM		27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
145-Main	01029045	8/3/01 12:55:51 AM		27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
146-Main	01027400	7/10/01 6:22:45 PM	842	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
147-Main	01027008	7/17/01 11:24:05 PM	906	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	BARTENDER REQUESTING A WALK-THROUGH
148-Main	01027001	7/17/01 10:21:31 PM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	UNK TYPE 415 IN FRONT...POSS 415 PHYS...SUBJ CAME INSIDE BAR
149-Main	01026531	7/14/01 12:50:48 AM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	EA OF LEGENS 415 VERBAL
150-Main	01026880	7/12/01 1:27:20 AM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	WHI CHEV PU IN THE LEGENDS LOT
151-Main	01026144	8/18/01 8:04:08 PM		27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
152-Main	01021966	6/9/01 10:34:17 PM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
153-Main	01020602	6/1/01 1:47:15 AM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	WHI TANK TOP BLU JEANS

Class Code	DESCRIPTION
10851	Stolen vehicle
10851P	Stolen vehicle in progress
166	Violation of court order
166P	Violation of court order in progress
187	Homicide
187P	Homicide in progress
207	Kidnapping
207P	Kidnapping in progress
211	Robbery
211P	Robbery in progress
242	Battery
242P	Battery in progress
245	Assault with Deadly Weapon
245P	Assault with Deadly Weapon in
246	Shooting at occupied dwelling
246P	Shooting at occupied dwelling in
261	Rape
261P	Rape in progress
273	Spousal Abuse
273P	Spousal Abuse in progress
288	Molestation
288P	Molestation in progress
314	Indecent Exposure
314P	Indecent Exposure in progress
415	Dist. Peace
415P	Dist. Peace in progress
415N	Dist. Peace -Noise/Music
417	Weapons Violation
417P	Weapons violation in progress
451	Arson
451P	Arson in progress
453	Explosives violation
453P	Explosives violation in progress
459	Burglary
459P	Burglary in progress
470	Forgery
470P	Forgery in progress
484	Theft
484P	Theft in progress
496	Possession of stolen property
496P	Possession of stolen proprrty in
5150	Mental Health Evaluation
594	Vandalism
594P	Vandalism in progress
611	Registration /Sex/Narcotics
653	Annoying phone calls
808	Bicycle Stop
813	Traffic Stop
815	Suspicious Vehicle
820	Ticket Sign off
843	Follow-up Investigation
878	FET Work
893	Pedestrian Stop

897	Warrant Service
901	T/C non-injury
901A	T/C injury
906	Services
907	Animal violation
915	All hazards
920	Property-Lost or Found
922	Public Intoxication
933B	Alarm, bank
933D	Audible Alarm - dayshift
933N	Audible Alarm - Night
933S	Alarm, silent
972	Unattended death
974	Suspicious Circumstances
974P	Suspicious Cirrcumstances in
983	Persons Cared For
983P	Suicide attempt
ABC	Alcohol Violation
ANIM	Animal Service
AUTA	Abandoned Auto
BP	Alcohol Violation
BPP	Alcohol Violation in Progress
CIV	Civil Matter
CPS	Unfounded CPS Report
CVC	Vehicle Code Violation
DUI	DUI Program
HS	Drugs
HSP	Drug violation in progress
JUV	Juvenile Complaint
LCC	City Code Violation
LOB	Lobby Call
MP	Missing Person
REPO	Vehicle Repossession
TOW	Vehicle Tow
TRL	TRU Lobby Report
TRU	Telephone Report
WI	Juvenile violation
WIP	Juvenile violation in progress

LODI ASIPS/GIS INCIDENTS (CY 2000)

Total City: Outlets Ordered by Outlet Type & Total Incidents,
with Address, Name, & Total Arrests

Off

*(x) name = Duplicate address and, thus, duplicate frequencies

Total Incs	Total Arrests	Place Name	Address
0		SAVE MART FOODS	1340 S HUTCHINS ST
0		LAKEWOOD LIQUORS	215 N HAM LN
0		CHEROKEE LIQUOR AND DELI	220 N CHEROKEE LN
0		LODI AVE MARKET	316 E LODI AV
0		FIORIS BUTCHER SHOPPE	412 W LODI AV
0		KETTLEMAN CHEVRON	601 E KETTLEMAN LN
0		TOKAY LIQUORS	8 E LOCKEFORD ST
0		E & L MARKET	844 S CENTRAL AV
0		[MARQUEZ CONRADO S]	845 S CENTRAL AV
1		CLEMENTS VINEYARDS	1 WINEMASTER WY
1		SHORTSTOP	20 W TURNER RD
1	1	FLAME MINI MART	1301 W KETTLEMAN LN
1	1	SHOP RITE	213 E PINE ST
1	1	PLAZA FOOD & LIQUORS 2	2420 W TURNER RD
1	1	EL MOLCAJETE	360 E LODI AV
1	1	TOKAY SHELL	420 W KETTLEMAN LN
1	1	RAMIREZ DISCOUNT GROCERIES	450 S CHEROKEE LN
1	1	DOS HERMANOS MARKET	603 S CENTRAL AV
1	1	NORMS 76	633 E VICTOR RD
1	1	PLAZA LIQUORS	800 S CHEROKEE LN
1	2	EL LUCERO	2 N CHEROKEE LN
1	2	EL TOKAY MARKET	548 S SACRAMENTO ST
1	2	CARNICERIA CALIFORNIA DELI	620 S CENTRAL AV
2		BP GAS	1111 E KETTLEMAN LN
2		[GROCERY OUTLET INC]	215 E LODI AV
2	1	PAYLESS MARKET & LIQUOR	101 N SACRAMENTO ST
2	1	MACFRUGALS 4106	380 S CHEROKEE LN
2	1	CHEROKEE LANE SERVICE STATION	900 S CHEROKEE LN
2	2	EL MEXICANA MARKET	10 E TOKAY ST
2	2	LODI AVENUE LIQUORS	1000 W LODI AV
2	5	CHEROKEE MINI MART AND LIQUOR	401 S CHEROKEE LN
3		QUIK STOP MARKET 152	1721 S CHEROKEE LN
3		LAKEWOOD CHEVRON	236 N HAM LN
3	4	ALDEE MARKET	216 N CHEROKEE LN
3	4	*(6) SALISBURYS MARKET	2401 W TURNER RD
4	1	TOKAY MARKET FOOD AND LIQUOR	2525 S HUTCHINS ST
4	2	ULTRAMART	2448 W KETTLEMAN LN
4	2	DONS AM PM MINI MARKET	800 E KETTLEMAN LN
4	4	LODI FOOD & LIQUOR	1225 W LOCKEFORD ST
5	4	[ULTRAMAR INC]	401 W KETTLEMAN LN
6	2	LAKEWOOD APPLE MARKETPLACE	1320 W LOCKEFORD ST
6	6	QUIK STOP MARKET 148	205 W LOCKEFORD ST
6	6	GWEONS ENTERPRISE	501 W KETTLEMAN LN
7	4	FOOD 4 LESS	2430 W KETTLEMAN LN
7	7	SAFEWAY INC 1648	2449 W KETTLEMAN LN

LODI ASIPS/GIS INCIDENTS (CY 2000)

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Total Incs	Total Arrests	Place Name	Address
7	8	LONGS DRUG STORE #048	100 W LODI AV
7	8	STAR MARKET	741 S CHEROKEE LN
10	10	GWEONS ENTERPRISE	225 S CHEROKEE LN
12	12	[RALEYS]	311 S LOWER SACRAMENTO RD
12	14	RITE AID STORE #6000	520 W LODI AV
13	10	BEACON	35 N CHEROKEE LN
14	12	[SAVE MART SUPERMARKETS]	610 W KETTLEMAN LN
15	15	LONGS DRUG STORES #243	1000 W KETTLEMAN LN
22	20	ALBERTSONS	530 W LODI AV

207

182

Total: Off

On

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Total Incs	Total Arrests	Place Name	Address
0		*(1) BACK BAY THE	100 N CHEROKEE LN
0		*(1) FRANCO'S PIZZA	100 N CHEROKEE LN
0		HABANERO HOTS	1024 E VICTOR RD
0		KILEYS DINNER THEATRE	1030 S HUTCHINS ST
0		ROUND TABLE PIZZA LODI	1040 W KETTLEMAN LN
0		SANCHEZ RESTAURANT AND TAQUERIA	107 N SACRAMENTO ST
0		CENTRO BOTANERO EL TAHUR	117 N SACRAMENTO ST
0		PERKOS CAFE	1170 S CHEROKEE LN
0		WATER HOLE	1200 E VICTOR RD
0		KING TSIN RESTAURANT	121 S SCHOOL ST
0		[RICKS NEW YORK STYLE PIZZA INC]	1330 W LOCKEFORD ST
0		EDDIES PIZZA CAFE	1413 S CHURCH ST
0		CASABLANCA	20 W ELM ST
0		TWIN ARBORS ATHLETIC CLUB	2040 COCHRAN RD
0		EAGLES LODGE LODI 848	21 W OAK ST
0		HAPPY BURRO THE	226 W KETTLEMAN LN
0		JIMBOS TACOS NO 21	230 S CHEROKEE LN
0		STOGIES	230 W PINE ST
0		COCOS RESTAURANT	2347 W KETTLEMAN LN
0		MATSUYAMA RESTAURANT	235 N HAM LN
0		APPLEBEES	2442 W KETTLEMAN LN
0		DISCOVER LODI WINE & VISITORS CENTER	2545 W TURNER RD
0		ANGELOS MEXICAN RESTAURANT	28 N SCHOOL ST
0		BARKING DOG THE	312 N CALIFORNIA ST
0		OUT OF PLAY CONCESSIONS	333 N WASHINGTON ST
0		RICE BOWL	408 W LODI AV
0		SINALOA CAFE	43 N SACRAMENTO ST
0		AVENUE GRILL THE	506 W LODI AV
0		EL ROSAL	728 W KETTLEMAN LN

LODI ASIPS/GIS INCIDENTS (CY 2000)

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Total Incs	Total Arrests	Place Name	Address
0		MARIAS ITALIAN SPECIALTIES	840 W LODI AV
0		[PORFIS MEXICAN FOOD INC]	910 S CHEROKEE LN
1		WONGS MANDARIN RESTAURANT	119 E PINE ST
1		MAZATLAN CAFE	125 N SACRAMENTO ST
1		LONG JOHN SILVERS SEAFOOD SHOPPES	14 W LODI AV
1		ME N EDS PIZZA PARLOR	2414 W KETTLEMAN LN
1		PIETROS OF LODI	317 E KETTLEMAN LN
1	1	HAZELS	28 S SCHOOL ST
1	1	HOLLYWOOD CAFE	315 S CHEROKEE LN
1	1	CASA FLORES	400 E KETTLEMAN LN
1	1	TONYS PIZZERIA	514 W LODI AV
1	2	GOLDEN OX RESTAURANT	410 W KETTLEMAN LN
2		COTTAGE BAKERY CAFE	203 S SCHOOL ST
2	1	SHIRASONI 2	1420 W KETTLEMAN LN
2	1	OLLIES TAVERN	22 N SCHOOL ST
2	2	KING YIN CAFE	10 S MAIN ST
2	2	TAQUERIA JALISCO	10 W OAK ST
2	2	LODI SPORTS CLUB	114 N SACRAMENTO ST
2	2	WINE & ROSES COUNTRY INN	2505 W TURNER RD
2	3	ROUNDHOUSE TAVERN	104 E LODI AV
2	3	*(5) PINEAPPLE RESTAURANT	2314 W KETTLEMAN LN
2	3	*(5) STRINGS ITALIAN CAFE	2314 W KETTLEMAN LN
3	1	TWIN ARBORS ATHLETIC CLUB	1900 S HUTCHINS ST
3	2	OMEGA RESTAURANT & LOUNGE	1800 S CHEROKEE LN
3	3	LYONS RESTAURANTS	233 S SCHOOL ST
3	4	*(6) JADE FOUNTAIN CHINESE RESTAURANT	2401 W TURNER RD
4	3	*(3) CASA MEXICANA	1110 W KETTLEMAN LN
4	3	*(3) YEN CHING	1110 W KETTLEMAN LN
4	4	*(2) GOLDEN CHINA	100 W TURNER RD
4	4	*(2) PIZZA WORKS	100 W TURNER RD
4	4	EL RANCHO SPORTS BAR	621 N CHEROKEE LN
4	5	CARROWS 173	612 E KETTLEMAN LN
5	6	JACKS BACK SPORTS BAR	31 N SACRAMENTO ST
6	4	*(7) CHINO CHINO CHINESE BUFFET	550 S CHEROKEE LN
6	4	*(7) MOUNTAIN MIKES PIZZA	550 S CHEROKEE LN
6	4	*(7) TAQUERIA EL RODEO NO 1	550 S CHEROKEE LN
6	6	GARRYS LOUNGE	13 S SCHOOL ST
7	6	EL NERO & EL NUEVO TROPICAL CLUB	118 N SACRAMENTO ST
8	6	TOKAY BOWL	620 S CHEROKEE LN
9	10	OUT OF PLAY CONCESSIONS	401 N STOCKTON ST
10	7	[PATEL KANUBHAI N]	22 S MAIN ST
16	20	RAINBOW CLUB	116 N SACRAMENTO ST
17	13	*(4) A TASTE OF THAI	116 W TURNER RD
17	13	*(4) SKYS	116 W TURNER RD

LODI ASIPS/GIS INCIDENTS (CY 2000)

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Total Incs	Total Arrests	Place Name	Address
17	19	211 CLUB	211 S CHEROKEE LN
27	24	ANTONIOS	710 S BECKMAN RD
29	35	LEGENDS	27 W ELM ST
30	38	PINE STREET PUB	105 W PINE ST

282**273****Total: On****489****455****Total: Off-Sale + On-Sale**

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
EMILY HOWARD
KEITH LAND
ALAN S. NAKANISHI

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6711
FAX (209) 333-6842

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney

August 7, 2002

Anthony Vignolo
Neumiller & Beardslee
509 West Weber Avenue
Fifth Floor
Stockton, CA 95203

Dear Mr. Vignolo:

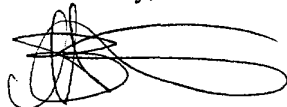
I am in receipt of a letter to the Lodi City Council regarding the date for the Council to hear the appeal filed on behalf of Legends. In that letter, there are a couple of items I believe need clarification.

It is my opinion that the Planning Commission did not recommend to your client that she pursue a change in the type of alcohol license that exists on the premises. I believe that one member may have suggested that course of action, but that clearly does not constitute a Commission recommendation.

The second issue is regarding the notice of the Council meeting. I spoke personally with Rod Atterberry early last week and made him aware of staff's recommendation.

Finally, as I mentioned to Mr. Atterberry last week, the change in alcohol license type with Alcoholic Beverage Control (ABC) will necessitate the filing of a Use Permit application with the City of Lodi. That Use Permit will go before the Planning Commission for review and decision.

Sincerely,



Konradt Bartlam
Community Development Director

KB/lw

Cc: City Manager
City Attorney
Police Chief
Len Bachman, Alcoholic Beverage Control

MINUTES
LODI CITY PLANNING COMMISSION
CARNEGIE FORUM
305 WEST PINE STREET
LODI, CALIFORNIA

DRAFT

WEDNESDAY

July 10, 2002

7:00 P.M.

The Planning Commission meeting was called to order by Chairman Crabtree.

Commissioners Present: John Beckman, Randall Heinitz, Tim Mattheis, David Phillips, Dennis White, and Chairman Crabtree. **ROLL CALL**

Commissioners Absent: None

Others Present: Konradt Bartlam, Community Development Director, Randy Hays, City Attorney, J.D. Hightower, City Planner, Mark Meissner, Associate Planner, and Lisa Wagner, Secretary.

The minutes of June 12, 2002 were approved as mailed with Commissioner Crabtree abstaining from the vote.

MINUTES
June 12, 2002

ELECTION OF OFFICERS

Randy Heinitz was elected as Chairman and Commissioner Beckman was elected as Vice Chairman for 2002/03.

PUBLIC HEARINGS

The continued request of Tom Luckey for approval of a vesting tentative subdivision map for the Legacy Estates, Unit No. 1, a 78-lot, 77-single-family unit subdivision at 1041 & 1171 East Harney Lane. Associate Planner Meissner presented the item to the Commission. The item had been continued from a previous meeting due to a request by the applicant to waive the requirement regarding the under grounding of overhead utilities, information on why Legacy Way didn't connect with Heavenly Way, and for more information on what traffic controls would be installed at the Mills and Harney Lane intersection. In regard to the under grounding of the utilities, it was found that the Resolution approving the Development Plan already included the requirement, so the requirement had already been established. It was determined that Heavenly Way and Legacy Way would remain separate streets to create a more pedestrian friendly environment, and for slower traffic around the school site. In regard to traffic control at the intersection of Mills Avenue and Harney Lane, a stop sign would be installed on Mills Avenue. With these clarifications, staff was recommending approval of the project.

Maime Starr, Assistant Superintendent of Facilities and Planning for LUSD, came forward to explain the school district's position relative to the design of streets that surround the proposed school site. The proposed school was already in the design stage and the drawings have been based on the traffic analysis and the previously approved Development Plan for the project. She urged the Commission to approve the project so that the school district could move forward with their plans.

Commissioner Crabtree asked if the condition of under grounding the utilities could still be waived. Community Development Director Bartlam noted that the last three subdivisions built in the area had the same requirement to under ground the utilities.

Hearing Opened to the Public

Terry Piazza, Baumbach & Piazza, 323 W. Elm Street, Lodi. Mr Piazza stated that at the last meeting he did not realize that policy had changed regarding the under grounding of utilities. He was agreeable to the conditions set forth in the Resolution.

Hearing Closed to the Public

The Planning Commission on motion of Commissioner Crabtree, Beckman second, approved the request of Tom Luckey for approval of a vesting tentative subdivision map for the Legacy Estates, Unit No. 1, a 78-lot, 77-single-family unit subdivision at 1041 & 1171 East Harney Lane the by the following vote:

AYES: Commissioners: Beckman, Heinitz, Mattheis, Phillips, White, and Crabtree

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners

The request of David Rogers for a Tentative Parcel Map to create two parcels from one at 2113 Cochran Road. Due to a conflict of interest, Chairman Heinitz abstained from the vote. Associated Planner Meissner presented the matter to the Commission. The project site is a 16, 829 square-foot parcel zoned R-1, which allows one home per property. Parcel 1 will be a 8,190 square foot lot and contains an existing home and garage. Parcel 2 will be an 8,640 square foot flag lot with a 102' x 60' buildable area. A patio structure and small block building at the west property line will be demolished to make way for a 24-foot emergency access for Parcel 2. Staff was recommending a 20-foot front setback for Parcel 2 at the driveway and also that Parcel 1 upgrade its off-street parking from one covered stall to two. Two letters of opposition were received for the project. One letter regarded insufficient parking in the area and the other wanting only a single story home to be built upon the new parcel. In response to the letters, Mr. Meissner noted that the new lot would require at least two covered parking stalls, and that a condition had been added that the existing home would need to provide an additional parking stall. Staff was against placing a restriction on the new parcel that would limit it to only a single story home. Staff was recommending approval of the project as set forth in the conditions of the Resolution.

Hearing Opened to the Public

David Rodgers, 2113 Cochran Road, Lodi. Mr. Rodgers stated that his property has only had a one-car garage and he wanted it to remain a one-car garage. He presented pictures of his surrounding neighbors who have a one-car garage or no garage at all. He further noted that his two-car driveway, which leads up to his garage, could accommodate additional uncovered parking. He was agreeable that a restriction not be placed on the parcel to limit him to only building a single-story home.

Commissioner Crabtree asked staff if other flag lots in the area had been required to provide a two-car covered parking area for the front parcel. Mr. Bartlam replied that when the subdivision was built it was built under County regulations. The current Zoning Code requirements consider it substandard to have only a one-car garage.

Hearing Closed to the Public

Commissioner Mattheis felt that the project was a good in-fill project. He was unsure of the condition requiring that one additional covered parking stall be added to the existing home on Parcel 1.

Commissioner Crabtree reminded the commission of the letter received that stated there was already parking problems in the neighborhood. He felt the condition regarding the addition of one covered parking stall should remain.

The Planning Commission on motion of Commissioner Crabtree, Mattheis second, approved the request of David Rogers for a Tentative Parcel Map to create two parcels from one at 2113 Cochran Road by the following vote:

AYES: Commissioners: Beckman, Mattheis, Phillips, White, and Crabtree

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners Heinitz

The revocation of an existing Use Permit (U 99-02) permitting an Alcoholic Beverage Control license Type 47, on-sale general (eating place), located at 27 West Elm Street (Legends). This action, if approved, would preclude the sale of alcoholic beverages at this establishment. Konrad Bartlam, Community Development Director, presented the item to the Commission. In 1999 a Use Permit was granted for a Type-47 Alcoholic Beverage Control (ABC) license, which is a license type for a bona fide restaurant with the sale of distilled liquor as an accessory use. In June of 2001, City staff met with the representatives of Legends to initiate the City's concerns that Legends was falling short of the conditions that were placed on the Use Permit in 1999. A majority of the sales that occur at Legends are alcohol with a clear minority being food. Last year ABC conducted an audit and found that 1/10th of the business was food related as opposed to alcohol. The June meeting also dealt with the high volume of police calls generated from Legends. Since that meeting, there has been no measurable change and the police calls continue. A purchase agreement has been executed between Legends and Monte Vista Entitlement, Inc. with an expected closing date of September 18, 2002. Mr. Vignolo, the attorney for Legends, sent a letter on July 9, 2002 asking that the Commission continue the matter until November 2002 so that the purchase of the business could take place. Staff was recommending the date of September 18th as the final date, if not, the Use Permit will be revoked the day after September 18th.

Commissioner Heinitz mentioned that he had walked the area and noted the City did not have a problem with a bar/restaurant in the location, but they had problems with the patrons and management of Legends. Mr. Bartlam agreed the City did not have a problem with the current Land Use but with the activities occurring at Legends. He mentioned that he had a conversation with the president of Monte Vista Entitlement, Inc. and felt he understood the City's perspective and would provide the kind of establishment that the Commission had initially approved in 1999.

Commissioner Crabtree asked if it was staff's position that there was a lack of confidence in the current ownership in terms of dealing with the problems. Mr. Bartlam replied that in the June meeting with Legends, the City was direct with their expectations for Legends. City staff and ABC noted what the problems were and what direction Legends should take to correct them.

Lieutenant Chet Somera, Lodi Police Department, 230 W. Elm Street. Lt. Somera handed the Commission a police report showing police calls involving Legends for the last 18 months. He personally has spoken with the management at Legends and their security employees about police concerns and he felt he was getting the "run around." A number of businesses in the area are concerned about walking past Legends to get to the new parking garage because of the clientele that frequents the business. He felt management of Legends could take a pro-active stance and limit certain types of clientele. He further noted that other establishments within the City are able to sit down and resolve problems, it has not been the case with Legends. A study currently being conducted by an outside firm shows Legends as being on the high end for police calls.

Commissioner Crabtree asked Officer Somera what things were not being done at Legends that should be done in order to curb or eliminate the problems. Officer Somera replied that the kitchen is too small and they need to focus more on the food service rather than the alcohol.

Commissioner Phillip pointed out that the police calls continue to increase month after month. Officer Somera stated that usually when management of these businesses find there is a problem, they address the issue. As late as mid-May there were some major incidents at Legends, such as an assault with a deadly weapon and a woman getting beat up.

Commissioner Mattheis asked if there had been more incidents with minors because of the current ABC license than they would normally see? Lt. Somera replied that he had personally stopped an under aged lady for a DUI and she indicated that she had come from Legends.

Commissioner Beckman asked if Legends was any worse than the Pine Street Pub or Antonio's. Officer Somera replied that Legends placed number two overall in calls for service. It equates to Antonio's on a Friday or Saturday night. He further noted the difference that Legends is suppose to be a food establishment and not a bar.

Hearing Opened to Public

Steve Worley, 42 W. Elm, Lodi, CA. Has known the current owner of Legends for many years. The owner wanted to serve food to make Legends a more family orientated business so that children could come in to eat and see the displays. Due to the high cost of improving the kitchen, Legends had to limit the types of foods to be served. He mentioned that people coming from the theater throw their popcorn and drink containers on the ground. Legends is a popular place for young adults and he asked the Commission to grant Legends a continuance so that the problems noted could be resolved.

Gary Arnold, 2036 Lucile Avenue, Stockton, CA. Mr. Arnold was in support of keeping Legends opened. He and his wife frequent Legends with their adult friends. There is no place like Legends in Lodi. It's an upscale establishment with a nice dance floor. He felt that management had done a good job with the clientele.

Glenda Gates, 1032 Port Chelsea Circle, Lodi. When going to the theater, Ms. Gates has stopped at Legends and had lunch before the movies with her children. She felt the Commission should be more worried about transients on Sacramento Street than people in front of Legends.

John Taylor, 45 Niderost Lane, West Point, CA. Mr. Taylor is a disc jockey at Legends. He felt the club clientele at Legends was the basic club clientele. They have rules and restrictions and don't let people with "attitudes" or gang colors enter the establishment. They play upscale music that people enjoy dancing to, not rap or hard core music. He was concerned about the over involvement of the Lodi police at Legends. There are usually two bicycle police patrolling Legends, which is very intimidating to their clientele. He further mentioned the large number of police cars that circle Legends continuously. He felt Legends offers something good to the City. He asked about having a public comparison of police calls with Legends and other nightclubs within Lodi.

John Stovall, 509 W. Weber, Stockton, CA. Mr. Stovall was one of the attorneys representing Ms. Brown. In view of the revised resolution presented by staff, he was withdrawing his request for a continuance. For the record, he gave each member of the Commission a copy of a letter dated August 23, 2001 from Anthony Vignolo addressed to Chief of Police, Jerry Adams. The second was a letter dated November 21, 2001 from Anthony Vignolo to Chief of Police, Jerry Adams. The third was an article published in the Stockton Record dated June 2001 and one copy only of a petition from the community in favor of keeping Legends as it is.

Jacqueline Brown, Owner of Legends. In 1997 she was introduced to Legends. A few weeks later a friend called her to let her know that the current owner, Ron Anderson, of Legends was about to go under and needed more money to finish unfinished projects. Every time she turned around she was advancing money to Mr. Anderson and soon that

amount grew to \$450,000. In 1998, Mr. Anderson said the business was taking a toll on his health and he couldn't keep the business afloat and he wanted her to take the business over for \$400,000 more. She did not want to lose her investment, so she decided to purchase the business.

After she purchased the business she wanted to be able to have children come to Legends to view the displays. She decided to change her ABC license to allow children to come in to Legends if their parents chose to bring them there. Legends has always participated and supported community events. When she found out the theatre was going to open across the street, she decided to get an extension on her lease for the building. After many dollars spent, her son and her, decided to purchase the building. After the purchase of the building the City started mentioning problems with Legends (i.e, police calls). They received no suggestions and were told they were to be a restaurant. After that meeting, they decided to retrain their security and she hired a restaurant consultant. They met with consultants but they did not have the dollars (\$150,000) needed to make the restaurant the way the City demanded.

The big problem has been the harassment of customers by the police. Police park directly across the street and make the customers uneasy and have actually stood outside the front door. The City contacted ABC and asked that an audit of the business be conducted. She felt that she has abided by the rules of her Use Permit. They have continued to serve food and donate free coupons for dinner or lunches. She felt Legends was being blamed for all incidents in area. She needs more time and money to give the City what they want. She is taking a huge loss to appease the City. She has never received any suggestions, kindness, money, or help from the City. She understands what the City wants, but Legends was here first and they deserve a break.

Commissioner Heinitz asked Ms. Brown is she was in escrow now for the sale of Legends. Ms. Brown stated that escrow had not opened yet.

Anthony Vignolo, Attorney at Law, Neumiller & Beardslee. Mr. Vignolo, in his opinion, stated that when Legends obtained a Type-47 license from a Type-48 that no Use Permit was required. He noted that Legends took measures to correct the problem of not being a restaurant by increasing their menu selection and dining hours. Suggestions offered on June 14th concerning changing the focus from a bar business to a restaurant business and that Legends had not made the necessary changes to their operation to be considered a restaurant. Those statements suggesting that Legends did not have adequate facilities to be considered a restaurant were interesting in light of a determination by ABC in 1999 that Legends had adequate facilities and was in fact a bona fide restaurant. He noted that a letter dated September 28th from Chief Adams indicated that it was the City's conclusion that Legends was not operating as its ABC license requires for 51% of its revenue being food and not alcohol related. Based upon this conclusion, the City requested ABC to conduct an audit to determine whether Legends was in compliance of their Type 47 ABC license. The audit is still not complete 7 months later. Mr. Vignolo contacted ABC and it was found that there was not a requirement that 51% of revenue be food related. The September 28th letter also

indicated that the police department had responded to "an excess of 15 calls for service to Legends since the meeting of June 14, 2001". A dispatch log was also attached to that letter showing that the calls apparently came from Legends. Mr. Vignolo pointed out the dispatch log showed police calls not only to Legends but also calls from adjacent and surrounding area. Legend's attorney asked for clarification that the 15 police calls were attributed to Legends; however, no response was received. Mr. Vignolo stated that after a year of correspondence between the City and Legend's attorney, it was evident that the City was not concerned with the legitimacy of the issues it presents, but was only concerned about finding a basis to force Legends into renovating into an Applebee's or an equivalent.

Commissioner Crabtree asked Mr. Vignolo if the statement made by City staff "that the results of the audit were that 10% of the revenues of Legends were due to the restaurant and 90% due to alcohol" was true. Mr. Vignolo replied that he did not know if that was true or not. The figures that Legends provided to ABC were roughly that; but his firm has not been provided with any results from the ABC audit. He stated the Business and Professions Code which governs the issue as to whether a restaurant is a bona fide restaurant, says if your percentage of revenue from food sales is 51% or more, the presumption is that you are a bona fide restaurant. If it is not considered a restaurant then there is a variety of factors that ABC will look at to determine if you are a bona fide restaurant. ABC gave no timeframe for when the audit would be completed.

Commissioner Crabtree asked if Mr. Vignolo's statement "in his opinion when Legends obtained a Type-47 license from the Type-48 license, that no Use Permit was required" was true. Community Development Director Bartlam replied that the City did institute a requirement for Use Permits for alcohol establishments prior to April of 1999. It is the City's policy that the ordinance requires any change of license type to be approved by the Planning Commission.

Commissioner Crabtree noted that Mr. Vignolo had indicated that the facilities of Legends were well known to the City at the time of the approval for the downgrade of the license. As to its limited ability to be a restaurant, Mr. Crabtree asked if it was determined to be a restaurant or was the City changing the rules in the middle of the game? City Attorney Hays responded that when the Use Permit was granted the Commission felt the applicant understood what the conditions were relative to having that particular type of license and that they were going to have to address the circumstances and run their business in a way that would meet the conditions of the ABC license.

City Attorney Hays pointed out that the minutes taken at the Planning Commission in April of 1999, Jacqueline Brown appeared before the Commission and stated "Applebee's also had a bar when you entered the restaurant." The discussion with regard to Applebee's is not one that was created by the City, it's one the owner of Legends brought up as well as being representative of the kind of establishment she appeared to want to emulate.

Mr. Vignolo quoted the Lodi Municipal Code section that states that certain businesses that sell alcoholic beverages are required to get a Use Permit. Legends is located in a C-2 zone. Legends began in 1996, the code section requiring a Use Permit was enacted in 1998. Legends was serving alcoholic beverages in 1996. In 1999 when Legends applied for a change in license, it did not change the types of any liquor that it sold. He could not find any authority that states that with a change of ABC license, you must go before the Planning Commission. He stated that Legends had "grandfathered" status.

Commissioner Heinitz asked who approach who in 1999 for a change to the Type 47 license? Mr. Vignolo replied that Jacqueline Brown approached the City requesting the change because she wanted to allow children in to her establishment so that they could enjoy the Hollywood memorabilia. Commissioner Heinitz asked if she was trying to create a family atmosphere? Mr. Vignolo replied "yes." Mr. Vignolo stated that an attorney did not represent Ms. Brown at the time and the City advised her that the Use Permit was required, when it really wasn't.

John Stovall, 509 W. Weber, Stockton, CA. Mr. Stovall noted that on the Resolution being presented paragraph 2 read "the Planning Commission finds that approval of a Use Permit would not be contrary to good planning practice." He felt this was not a condition, but rather a finding the commission made in 1999. He noted that there was not substantial evidence with relationship to the number of calls that were made in the year 1999. There is no evidence of police calls in the year 2000. The proposed resolution states that there were 29 calls during the year 2000, but no evidence. In regards to 2001, there was a partial log included in staff report. There was no credible evidence that most of the calls were attributed to Legends. He felt that there was no evidence to back condition 2 on the Resolution regarding the police calls were higher than the City average for restaurants with alcohol sales of 3.7. He felt that Legends should not have been required to obtain a new Use Permit for the Type-47 license, it should be "grandfathered" in since no Use Permit was required prior to 1999. It is ABC's decision whether Legends is violating the conditions of their ABC license and not the City's decision. Last he stated that the City did not have a due process regarding the revocation of Use Permits.

Melda Burke, Schaffer Suess & Boyd, GMAC. Ms. Burke has been working with bay area agents to put up a back-up offer for Legends should Ms. Brown need one. The biggest problem in selling the place is the flack between the City and the liquor license.

Trina Anderson, 1217 Park Heights Blvd., Milipitas, CA. Ms. Anderson is in the midst of taking over Casablanca Wine & Piano Lounge. Legends is a landmark business and has helped the City. She urged the Commission to not go forward with the revocation.

Hearing Closed to the Public

Commissioner Mattheis asked for clarification in regards to the jurisdiction in terms of the ABC license and the Use Permit. City Attorney responded that the ABC license is one thing and the Use Permit procedure is another. There is an apparent disagreement regarding whether a Use Permit is needed or not. The character of the use changed when the ABC licensing changed. One of the requirements of the Type-47 license is that there be substantial food sales, which was not a requirement of the previous license. The character of the business was suppose to change when the license change took place. He pointed out that the City was revoking the Use Permit because they have not met the conditions of the Use Permit, which basically required that the business be a restaurant and not a club. The Use Permit they currently have does not allow for the establishment they now operating.

Commissioner Mattheis asked that if the Use Permit were to be revoked, would Legends be prohibited from using their ABC license and still do the restaurant portion of the business. City Attorney replied, "absolutely." Commissioner Mattheis was present at the 1999 meeting when the Use Permit for the Type-47 license was granted, and he went away from the meeting thinking Legends would be changing from a nightclub to a restaurant. He encouraged the owner to obtain a Type-48 license.

Commissioner Beckman stated that Legends is a unique place and a great nightclub. He felt that Legends falls between a Type-47 and Type-48 license and he suggested to staff that they work with Legends on a possible variance to the Use Permit.

Commissioner Crabtree asked what the process was for Legends to obtain a Type-48 license. Community Development Director Bartlam that they would have to deal with the State for new ABC license and apply for a new Use Permit.

Community Development Director Bartlam noted that the Commission does not have the ability to vary from a Use Permit. It's the ABC that dictates when minors can be present or not, and the Commission reacts to what the applicant has requested.

The Planning Commission on motion of Commissioner Mattheis, Phillips second, voted to approved the revocation of an existing Use Permit (U 99-02) permitting an Alcoholic Beverage Control license Type 47, on-sale general (eating place), located at 27 West Elm Street (Legends) with the revised Resolution by the following vote:

AYES: Commissioners: Heinitz, Mattheis, and Phillips

NOES: Commissioners: Beckman, White, and Crabtree

ABSENT: Commissioners:

ABSTAIN: Commissioners

The commission took a 5 minute break at 9:50 p.m.

Commissioner Beckman asked that the matter be continued for 90 days to see if the sale of the business goes through and to give more time for the ABC audit.

The Planning Commission on motion of Commissioner Beckman, White second, voted to postpone the matter for 90 days by the following vote:

AYES: Commissioners: Beckman and White
NOES: Commissioners: Heinitz, Mattheis, Phillips, and Crabtree
ABSENT: Commissioners:
ABSTAIN: Commissioners

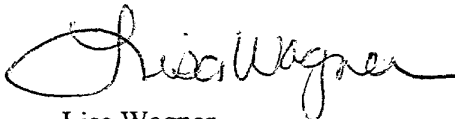
The Planning Commission on motion of Commissioner Crabtree, Phillips second, voted to approved the revocation of an existing Use Permit (U 99-02) permitting an Alcoholic Beverage Control license Type 47, on-sale general (eating place), located at 27 West Elm Street (Legends) as the effective date of September 19, 2002 excluding item Number 2 of the set agreement and all other resolutions to be forth by the following vote:

AYES: Commissioners: Heinitz, Mattheis, Phillips, and Crabtree
NOES: Commissioners: Beckman and White
ABSENT: Commissioners:
ABSTAIN: Commissioners

ADJOURNMENT

As there was no further business to be brought before the Planning Commission, Chairman Crabtree adjourned the session at 10:00 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lisa Wagner", with a stylized, flowing script.

Lisa Wagner
Secretary

July 6, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

Before the movie, our family always enjoys stopping at Legends first to get a bite to eat. We love the atmosphere.

We the undersigned respectfully request that you leave Legends status quo.

Thank you for your time

Wayne Welch
1712 1/2 1st St. W. 95240
Lodi CA 95240

Mary A. Smith

Al J. Zeeb

Louise Zeeb

Al Backman

Elm Nelson

Leonard Meyer

Nancy Bunnell

Larry O'Connell

Russell Dickett

Duff & Lamb

Gunner Jones

Paul Lurie

Jim Drummond

Curt Kohnert

Norman Ross

Elaine Campbell

James Hardy

W. Clum

Udrie Casti

Jeanie Pugh

Dan Pedersen

19300 E. Kettelman Ln

4 Michelle Campbell

18888 Coatesford CA 95737

TRACY SHOCK

812. S. PLEASANT AVE
LODI, CA 95240

Dan Ostern

Mike S. Kunt

810 S. Pleasant Ave
Lodi, CA 95240,

Mike V March

264 BENO CT GALT CA

SARAH VAN HAGEN

209 HILBERN ST.
LODI CA 95240

Pherie Lima

WE WOULD LIKE TO FILE A PETITION TO THE PLANNED
REVOCATION OF THE USE PERMIT ON ALCOHOLIC
BEVERAGE ON LEGENDS. IT IS A TREAT HAVING TO HAVE A
VERY CONVENIENT PLACE TO RELAX, DINE AND DRINK AT LEGENDS
AND ENTERTAIN FRIENDS AND CLIENTS IN A VERY FRIENDLY
ATMOSPHERE, WITH THE COMFORT LEVEL OF KNOWING THAT
THERE IS A PLACE LIKE LEGENDS THAT IS CLOSE TO THE POLICE
HEADQUARTERS, WHICH MAKES IT MORE ATTRACTIVE TO US.

1. Willy de Mesa
Administrator
ARBORE CONVENTION CENTER.
2. Kelly Munc
Social Service
3. MERCEDES Amata
Mercedes amata
508 Lodi Ave
4. Cynthia Pineda
25303 N. Lower Sacramento Rd.
Acampo, CA 95226
5. Shabe Dempsey
401 East Walnut
Lodi CA 95242
6. Albert E. Hathaway III
401 E. Walnut
Lodi CA 95242
7. Kimberly Giza
819 South Cherokee Way
Lodi CA 95242

8) Annee Ambler
4777 Grouse Run Rd #348
Stockton, CA 95720

Kimberly Schmalli
200 S Orange Ave.
Codi CA 95770

4 Scott MITCHELL
842 Amber Pl.
Watson CA 95374.

10) JOSEPH MONTEC
504 G ST GALT
CAL. 95632

Joseph Montec

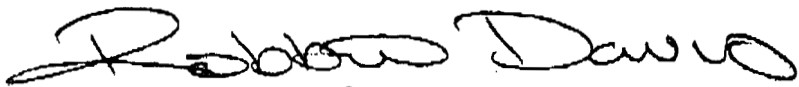
11) ROCKY NERLY
400 CHURCH ST.
CA.

6. JANE, CASTELLANO, Joe Castellano
345 WATSON ST Lodi
CA 95240

Danny Robles
2011 Scarborough Dr
CA

TO whom it may concern

On 7-8-02 at approx. 5:20pm
as I exited the front on Legends
I witnessed an officer that
was driving by come to a
stop and ask a Gentleman with
two small boys quote: "Your not
taking them into Legends are you?"
The gentleman said "no" and
continued walking towards
Sacramento Street.


7-9-02

To Whom It May Concern ,

I am a Loyal Customer at Legend's. I have been a Customer for the past 2 1/2 years. I really wish you as City Councilmember all of you would spend at least 1 night at Legend's. I find Legend's to be a very fine Establishment.

They have excellent Food & Drinks. All of the Employee's are Warm & Friendly to their Customer's. And if you went to Legend's and spent any time from Happy Hour to 11:00 P.M. I'm sure that you would also meet a Warm & Friendly crowd of people.

I spend at least 3 - 4 nights a week at Legend's. Legend's is also a place where everybody know everybody else by name. Legend's is a great place to meet new people and make new friend. Or if you just want to kick back and relax. I have met people from all walks of Life.

And Legend is a great place to go just to have fun. There is no other place in Lodi where you can go and have a good time, and dance, and relax and meet nice friendly people.

There are many Bar's in Lodi, but the rest of them are really not the type of Bar's that I would go into. I am sure if you took a tour of all of the Bar's in Lodi, that you would agree with me that Legend's is probably the only Bar in Lodi, that you can go to have fun. There are only 4 Bar's in Lodi that I would go too. They are Casablanca, Gary's Lounge, Hazel's, and Legend's.

There are people who come to Legend's, from the Bay Area, such as San Francisco, Napa, Fairfield, Vacaville, Sacramento, Manteca, Modesto, Stockton. And the people who come in from these cities are really surprised and amazed at Legend's. They have said that there is nothing like Legend's around where they live and the find it to be an unforgettable experience.

There are Families who are on there why to the movies, stop in to eat and the Children are amazed by all of the different things that they have in Legend's. I person feel that it would be a great lost to the City of Lodi, if Legend's closed. Legend's is a very Unique & Special Place.

P. S. I am a non - drinker. I go to Legend's to socialize with my Friend's.

*Larry M. Neilsen
P.O. Box 984
Lodi, Ca. 95241*

Larry M. Neilsen

July 6, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

I can't believe you would even think about taking away a permit for serving alcohol in an icon such as Legends.

I COME TO LEGENDS EVERY DAY AND THERE HAS NEVER BEEN A PROBLEM WHEN I'M THERE. I THINK THE POLICE ARE OVER REACTING TO A PROBLEM. WHY DO THEY HAVE TO SEND OUT 7 POLICE CARS FOR TWO PEOPLE FIGHTING. IT MAKES NO SENSE TO ME ARE THEY AFRAID OF THEIR JOB. THERE IS OTHER PLACES HAVE PROBLEMS, WHY GO TO THEM. LEGENDS PEOPLE STOP + THINK

cc: Legends

July 6, 2002

*Lodi Planning Commission
Attn: Konradt Bartlam*

*How can you even consider taking away a permit of the very creation,
you just gave the "Creator" an award for?*

*I have been coming into Legends
for 6 years. I have had nothing
but the best service. I do not
like the idea of you closing the
doors.*

Gary Nass

cc: Legends

July 6, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

My children love coming to Legends. It is a special treat for them and they always want to bring a new friend to see it.

Suzanne Conklin
825 S. Garfield
Lodi Calif. 95240

cc: Legends

July 6, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

My children love coming to Legends. It is a special treat for them and they always want to bring a new friend to see it.

Linda Bartlam
921 Mariposa Wy
Lodi Ca

cc: Legends

Legends Unlimited, Inc

27 West Elm
Lodi, CA 93240

Phone 209-363-7472
Fax 209-363-0323

July 09, 2002

TO WHOM IT MAY CONCERN,

We like to respond to comments in the News Paper. The City is forgetting the fact that the Merlot building next door to Legends has weddings and quansietas once to twice weekly with minors drinking from that facility. That crowd causes problems that we have no control over. A lot of things going on Elm and Pine Streets or Down Town, is partly society and the vagrants that live on Sacramento street. What is being done about the real problems in down town Lodi? Legends succeeds in making this a safe and enjoyable experience.

Sincerely,
Legends Unlimited

Michelle Campbell
Asst. Manager.

To the City of Lodi

How can you give someone a word
and at the same time take his
dream away? What a low thing
to do, a slap in the face, to face, ect.

What do I think of our City
Planning Commission They need to
deal with the homeless that sleep
or walk around with their bottles
in hand. I myself have called
for help from Lodi police
to deal with them.

Legends is my work place, its
a place I can bring my family and
friends to. It a place of enjoyment.

Cindy Dodder
10015 Leavelle Ave
Lodi, CA 93240

July 6, 2002

Lodi Planning Commission
Attn: Konradt Barilam

My children love coming to Legends. It is a special treat for them and they always want to bring a new friend to see it.

Lisa Jordan
921 Mariposa Wy
Lodi Ca

cc: Legends

To the City of Lodi

How can you give someone a world
and at the same time take his
dream away? What a low thing
to do, a slap in the face, to face, act.

What do I think of our City
Planning Commission. They need to
deal with the homeless that sleep
or walk around with their bottles
in hand. I myself have called
for help from Lodi Police
to deal with them:

Legend's is my work place, it's
a place I can bring my family and
friends to. It a place of enjoyment.

Cindy Dolder
1005 Lee Ave Lodi, Ca.
93268

Legends Unlimited, Inc

27 West Elm
Lodi, CA 95240

Phone 209-365-7472
Fax 209-365-0325

July 09, 2002

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Legends Unlimited

Michelle Campbell
Asst. Manager.

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They have excellent Food & Drinks. All of the Employee's are Warm & Friendly to their Customer's. And if you went to Legend's and spent any time from Happy Hour to 11:00 P.M. I'm sure that you would also meet a Warm & Friendly crowd of people.

I spend at least 3 - 4 nights a week at Legend's. Legend's is also a place where everybody know everybody else by name. Legend's is a great place to meet new people and make new friend. Or if you just want to kick back and relax. I have met people from all walks of Life.

And Legend is a great place to go just to have fun. There is no other place in Lodi where you can go and have a good time, and dance, and relax and meet nice friendly people.

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P. S. I am a non - drinker. I go to Legend's to socialize with my Friend's.

*Larry M. Neilsen
P.O. Box 984
Lodi, Ca. 95241*

Larry M. Neilsen

July 6, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

I love the decor and memorabilia, atmosphere, food, dancing and meeting friends at Legends.

I Think Legends. Should not be
Closed. Legends is a good place
To go have fun with my coworkers.
After work.
Jalal Rupa

cc: Legends

445 Almond dr
Lodi: CA

July 6, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

I love the decor and memorabilia, atmosphere, food, dancing and meeting friends at

Legends. I think this whole thing is ridiculous.

I am a non drinker who goes to legends to meet friends
have lunch, and just to have fun. The reason why everybody
is making a big issue about it is because of the movie
theater being directly across the way. If the main
complaints is about foul language, fighting, etc. that
should be every bar in town. Such as the Round House
which is 1 block away of A&W a family Establishment.
The 211 Club which is right next door to Am Pm where
people cc: Legends smoke in and its down right dirty.

People can't just pick on one bar. 1/2 the cop calls
going to legends where probably people coming
from other bars or even functions happening at
the merlot.

Andrea Schmidli


428 E. Oak St.

Lodi, CA

July 6, 2002

Lodi Planning Commission
Attn: Mr. Konradt Bartlam

Legends is one place I enjoy going, along with friends because of the food and overall atmosphere it provides. For whatever reason the Commision is planning to do, I believe that entrepreneurs should be allowed to go through their business in peace. Afterall, they not only provide an entertainment place for business but also an added income to the City.


Willy de Mesa
Administrator
Arbor Convalescent

July 6, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

My children love coming to Legends. It is a special treat for them and they always want to bring a new friend to see it.

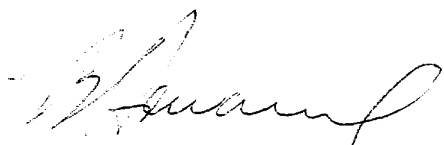
Suzanne Conklin
825 S. Garfield
Lodi Calif. 95240

cc: Legends

July 6, 2002

**Lodi Planning Commission
Attn: Konradt Bartlam**

The food is wonderful and friendly service with a smile is always available at Legends. A great place to dance and have a cocktail.

A handwritten signature in cursive script, appearing to read "Huang", is written in dark ink.

cc: Legends

July 6, 2002

**Lodi Planning Commission
Attn: Konradt Bartlam**

The food is wonderful and friendly service with a smile is always available at Legends. A great place to dance and have a cocktail.

A handwritten signature in black ink, appearing to read 'K. Bartlam', written in a cursive style.

cc: Legends

July 6, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

I love the decor and memorabilia, atmosphere, food, dancing and meeting friends at Legends.

cc: Legends

we agree
Hansoir + Carol Quakertrek
510 Hurvey St #7, Lodi

July 7, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

I can't believe you would want to close Legends, which was the start of this whole movement downtown.

cc: Legends

12373 LOWER SAC RD.
FRANK L PAOLETTI
June 1

July 7, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

I can't believe you would want to close Legends, which was the start of this whole movement downtown.

JOE PAOLETTI
2006 DEBBIE-LITE
LOD. CA

Joey Paolotti

cc: Legends

July 7, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

I can't believe you would want to close Legends, which was the start of this whole movement downtown.

Charles DeBos
6781 Cherokee
Stockton Ca
931-9520

cc: Legends

July 6, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

The food is wonderful and friendly service with a smile is always available at
Legends. A great place to dance and have a cocktail.

① I love this Bar
I will continue to come
Here regardless of what
cc: Legends
everything of Lodi says

Fast Freddy

July 6, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

I love the decor and memorabilia, atmosphere, food, dancing and meeting friends at Legends.

cc: Legends

The reason i think that legends should stay open because i think that its very nice to get go to get away from all the pressure at work and when we get together the workers enjoy the place and ~~when~~ it very clean i have been to many place and i think its very clean and the people that work there are very ~~friendly~~ with the customers so for my side of legends should keep open for the public.

Anna Marquez
19850 Hwy 99, Acampo #2

July 6, 2002

Lodi Planning Commission
Attn: Konradt Bartham

How can you take a permit away to force a business to conform to what the City of Lodi Council wants it to be?

I Andrew P. Oswald; would like to see legends kept open to give the owners a chance to make the changes to what they were trying to make a change in the food part of legends.

Andrew P. Oswald.

July 6, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

How can you take a permit away to force a business to conform to what the City of Lodi Council wants it to be?

⑨ B Linda ~~feet~~ Lodi Calif 4/1/85
Kerim years 9yrs Lodi

⑩ ROUND TABLE, CHURCH CREEK, RED LOBSTER,
ALL THESE PLACES SERVE ALCOHOL AND ARE
A FAMILY ENVIRONMENT. WHAT'S TO CONFORM TO?
THIS IS A GREAT PLACE FOR ADULTS AND FAMILIES.
THE HOLLYWOOD THEME IS GREAT. DO YOU NOT
TAKE YOUR FAMILY TO THE MOVIES? WHO SITS
ON THIS COUNSEL ANYWAY — SCRUDGE? OR THE GRINCH?
OR BOTH? ED GRANGER, CADDP
209-304-8002

⑪ PEDRO C. ENRIQUEZ 845 S. CHEROKEE LN. LODI, CA 95240 (209) 570-0320
(209) 307-1145

I THINK THAT THE CITY OF LODI SHOULDN'T ALLOW LEGENDS TO BE SHUT DOWN
IT'S THE ONLY PLACE THAT I CAN THINK OF THAT I CAN BRING MY SISTER
TO ME AND MY SISTER COME IN HERE TO EAT EVERY TIME WE WANT TO GO
TO THE MOVIES. IT'S THE ONLY PLACE THAT ALLOWS MINORS TO COME IN
TO EAT DURING THE DAY (KNOWING THAT THEY SERVE ALCOHOL AT ALL TIMES)

⑫ MARISOL C. ENRIQUEZ 845 S. CHEROKEE LN. LODI
CA 95240 (209) 307-1145

July 6, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

Before the movie, our family always enjoys stopping at Legends first to get a bite to eat. We love the atmosphere.

Larry Hurtado
101 W Locust ST # 304
Lodi, CA 95240

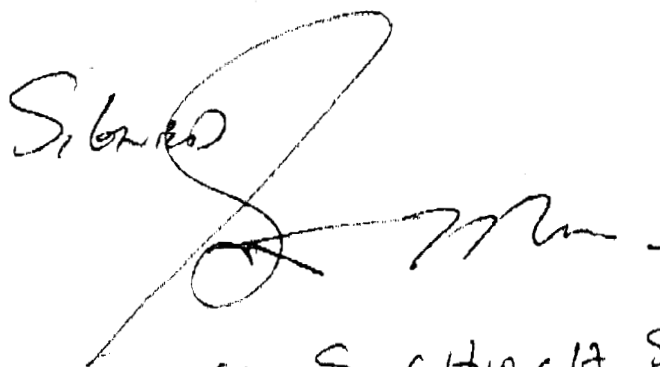
cc: Legends

I live one block from Legends Cocktail Lounge and Eatery Place. The forty ~~the~~ people who live at Locust square apartment have been coming to the eatery place to enjoy a meal and drink, whether it liquor, soda or coffee as long they have it with there meal. Since day one many of us from the apartment have a place to go if we are hungry or thirsty. The owner and employees have treated us like family. I and 39 people who live at Locust square apartments and surrounding area who filed out a petition to keep Legends & eatery place open. We like to have Lodi Planning Commission to hear out Jackie Brown suggestion from her customers opinion from the petition that were given out on the first week of July when a letter from City of Lodi director of Lodi's Community development to have Jackie Brown Legend's permit revoked. I'm sure there a spoke person for Jackie Brown and her attorney at Lodi's Community development hearing on Wednesday of July 10, at 7PM. If her attorney postpone it for number of reasons because of potential buyers. So it all depends on us and her attorney to convince the Lodi Planning Commission and

July 5, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

My NAME IS SCOT MORRISON, & I THINK
THAT THIS IS NOT A GOOD IDEA TO
SHUT DOWN THIS GREAT PLACE. IT
WOULD BE WRONG. I WORK FOR NORTH
AMERICAN VAN LINE'S A MOVING COMPANY!
STOCKTON, CA.

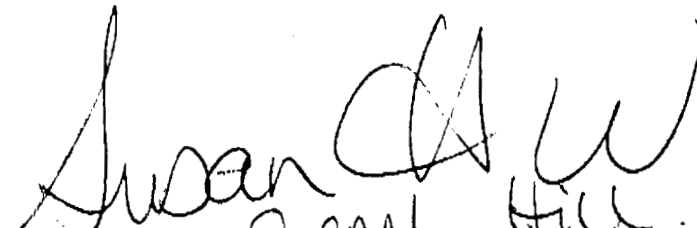
Signed


1901 S. Church St. #
Lodi, CA. 95240.

July 6, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

I can't believe you would even think about taking away a permit for serving alcohol
in an icon such as Legends.


Susan Hill.

cc: Legends

I have been coming to Legends
for over 34 yrs. I love coming here
the people are great. Music Dancing
& service are great. I go to no
other place.



July 5, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

To Whom it may concern

I live at 9535 E. Live Oak
Stockton. I enjoy stopping
at Legends. We have good
food, good company.

Thank You

Kend Vano

July 6, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

MARISOL C. ENRIQUEZ 345 S. CHEROKEE LN. LODI
CA 95240 (209) 367-4145
I think the City of Lodi shouldn't shut
down a place where EVERY ONE
comes to enjoy a good environment with
their family and friends. I ask City of
Lodi to reconsider the action. If it
were to close we would friends &
family go to enjoy a good time. Thank
you for
your time.
MARISOL ENRIQUEZ

Michele Mello

H 365-9503 W-334-1380

1625 S. Stockton St

Lodi, CA. 95240 -

Service is great - Larry Nielsen
Children are welcome - Luis Mendez

Atompshre is wonderful

Relaxing and home town feeling!

Legends is the only place women can go
to dance - feeling safe! Amy L. Lavender

Legends is the only place to go in Lodi-
it has brought myself & many friends
here quite often. Kristina ~~Star~~

Legends has always been a nice place to spend our weekends. The people are friendly, and we never have any problems.

A stylized handwritten signature, possibly reading "Jim G.", written in black ink.

July 6, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

I can't believe you would even think about taking away a permit for serving alcohol in an icon such as Legends.

Sarah Kate Garcia

cc: Legends

*closing or taking a liquor
license away would result
in a loss in business for
the downtown area*

July 6, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

I can't believe you would even think about taking away a permit for serving alcohol
in an icon such as Legends.

*Legend is a very moderate spot
to Relax*
Thanks
Joe Batterton

cc: Legends

How can you take a permit away to force a business to conform to what the City of Lodi Council wants it to be?

To close Legends would take away
BUSINESS & ~~tourist~~ - Haviri Zamora. ^{stockton} 2 yrs

Michele Mello H 365-9503 W-334-1380
1625 S. Stockton St
Lodi, CA. 95240

Service is great - Larry Nielsen
Children are welcome - Luis Mendez
Atompshere is wonderful
Relaxing and home town feeling!

George Hulen 476-8491 - Stock, CA
Larry Conrutz 209-466 2535 Stock, CA.
Tiffany Anderson 333-9249 227 Columbia Dr.

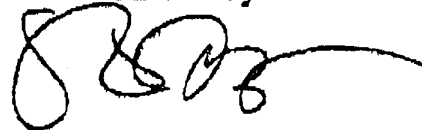
To Whom it May Concern:

My Name is Rick May, and my wife and I , Candy, and our Daughter Jaclyn have been frequent visitors to Legends. We have always had a very nice and pleasant time and never experienced any "rowdyness" at their very unique business. The employees and the owners have always been kind and professional, and I was taken aback when informed the city was planning on revoking their use permit.

I believe that to effectively put them out of business would rob the city of Lodi of one of it's finest landmarks. Many People come to Lodi for the sole purpose of enjoying the memorabilia at Legends.

I am urging the city to rethink it's stand on this issue.

Rick May



530-274-0864

July 5, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

We have been coming to
Legends for the past 5 years
every single day. We love
the stuff. We love the
atmosphere. It is so open. We
have made a lot of friends.
We are retired and don't even
drink alcohol, just enjoy the
people. Please give Legends
a chance. Where will we go?

Fred & Mary
Archer Archer

JUL-06-2002 08:40 PM JCR:KRM

July 6, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

How can you even consider taken away a permit of the very creation you just gave the "creator" and award for?

Legends is a great place to visit. It was the first establishment I visited when I moved here this year and continue to visit. I bring lots of friends here from out of town that are very impressed and see it as a center point of great city. My family have been business owners here and father has been president of the Rotary club here.

Deborah Neuburger Creseto
5 North California
Lodi Ca 95240

Melody Mitchell & Wade Wuth 11/5/02

Legends is a place, unlike any other in Lodi, that brings tourism to the downtown area. I know many people who have come to this establishment to view movie memorabilia, & the small town Lodi atmosphere. We have been upstanding citizens of this town for twenty-two years. To be down-grading the city of Lodi, Legends is NOT!

Sincerely,

Melody Mitchell &
Wade Wuth

"Legends" is an establishment, to have it closed down would be an act of stupidity. No other place in which San Joaquin County can boast of the atmosphere that "Legends" offers. It's a one of a kind.

Rick Fernandez

My daughter and I entered the Legends on a Saturday afternoon 10/02. Everyone was courteous & pleasant, the establishment was neat & well maintained.

Gene Burns
Paradise, Ca

Darlene Lackey
Paradise Ca

July 5, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

To whom it may concern
my name is Harry Verheul. I live at 1622 Oxford way
Stockton CA. I frequent the legends often and enjoy
the atmosphere and have never seen any problem.

Harry Verheul

July 6, 2002

Lodi Planning Commission
Attn: Konradt Bartlam

How can you take a permit away to force a business to conform to what the City of Lodi Council wants it to be?

To who it may concern:

I have recently seen the notice of Public hearing regarding the plan to revoke the license of Legends.

I have been coming to this place from the time it was opened to the present. I have always had an enjoyable time here. The bartenders and staff are polite, and have never allowed bad behavior or lost control of the bar.

I would bring my wife here anytime.

I am an Engineering director for a Fortune 500 company with a presence in Lodi and have traveled all over the country. I very much like this establishment and bring other company out of towners to it when we come to Lodi. Please stop this move.

Ron McLaughlin

Jul 20 2002 00:40 PM JEROME 200 100 0040 P.00
Alvin O'Flaherty I Think Legends should stay.
It was here first. The movie theater is open
the same time as Legends. So they need to
back off.

Robert Lewis It was here first

This is the best place to come on the
weekends.

Renee Staudel

Legends is a good place to hang out on
the weekends as well as on the weekdays.
Good clean fun there. Karen Perry

OPEN! Karen Perry

Legends is the only place in a 20 mile radius
that has good entertainment for all people
and a place for people to get to know
each other better. Charles Taylor

I support keeping Legends open. I have
eaten here several times... with my family.
We have enjoyed the hospitality. Legends is
a very nice place to bring your family to
eat. Chris Rosar

Jim Giff Valley Springs Ca.

I bring my children in here every
time we go to the movies! We love it

B. Feat

My wife & I come into Legends often
We like it well run. We come in early, and
we don't see anyone causing trouble. It is our
favorite place. Let it open and stay. The food
very good. Roger Dasset



MEMORANDUM, City of Lodi, Community Development Department

To: Planning Commission
From: Community Development Director
Date: July 10, 2002
Subject: Revocation hearing for Use Permit 99-02 permitting an alcoholic beverage control license, Type 47, on-sale general (eating place), located at 27 West Elm Street (LEGENDS)

Summary

In April, 1999, the Planning Commission granted a Use Permit to the owner of LEGENDS in order to change the alcohol license to a Type-47, on-sale general (eating place). In essence, the license changed the establishment from a bar with full liquor to a restaurant with liquor sales. The staff report and minutes from that meeting are included in this packet.

Staff's perspective of the request was positive as we felt, and still do, that change in use from a bar to a restaurant would be a positive action for downtown.

Beginning in June 2001, staff from Community Development, Police, Economic Development, and City Attorney Departments met with the owners of the establishment in an effort to correct certain issues that have existed at LEGENDS from the inception of the Permit. The most significant of which are an abnormal number of calls for Police service and what we believe is a bar that should be promoting itself as a restaurant. Specifically, conditions 2 and 3 of Planning Commission Resolution No. 99-12 are being violated.

Background

As the numerous letters from various City and State individuals attest, the City has made an extraordinary effort to work with the owners of LEGENDS to put them on notice and gain compliance with the Use permit that the Commission approved. As mentioned previously, meetings began in June 2001 in an effort to inform and seek assistance from LEGENDS.

I would call to the Commission's attention several letters of correspondence that we believe speak to the issues. The series of letters dated June 19, 2001 from Alcoholic Beverage Control, July 9, 2002 from Anthony Vignolo, August 9, 2001 from myself, September 28, 2001 from Jerry Adams, January 14, 2002 from Jerry Adams, February 19, 2002 from Bill Bruzzone, and May 16 and 31, 2002 from myself. I would also note the shift summary memo from the Police Department dated June 9, 2002, which outlines the type of disturbances that occur at LEGENDS. I believe it is important to note that even after we have told them we were scheduling the matter for public hearing, two unacceptable activities occurred.

Finally, the Commission will note that the applicant's have apparently entered into a purchase and sale agreement with Monte Vista Entitlement, Inc. I would expect that the representatives of LEGENDS will request a continuance of this matter until the sale is completed. Staff would remind the Commission that the Use Permit runs with the land and not the owner. Therefore, the business could be sold without effect of the current Permit. I have suggested to the owners of LEGENDS that the Planning Commission has the ultimate ability to entertain any action and that I felt it was my responsibility to bring the issue before the Commission without any further delay.

The Planning Commission has several alternative actions they may contemplate.

- Continue the matter for some determined amount of time
- Table the matter for an undetermined amount of time
- Deny the City initiated request to revoke the Use Permit
- Approve the revocation request.

Recommendation

Staff recommends that the Planning Commission revoke Use Permit U-99-02 permitting the sale of alcoholic beverages at LEGENDS, 27 West Elm Street.

Respectively Submitted,



Konradt Bartlam
Community Development Director

Attachments

RESOLUTION NO. P.C. 02-_____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
REVOKING USE PERMIT 99-02 PERMITTING AN ALCOHOLIC BEVERAGE
CONTROL LICENSE TYPE-47, ON-SALE, GENERAL (EATING PLACE)
LOCATED AT 27 WEST ELM STREET (LEGENDS)**

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested revocation of the Use Permit allowing an on-sale alcoholic license at LEGENDS.

WHEREAS, the holder of the Use Permit is Jacqueline Brown, 27 West Elm Street, Lodi, CA; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows.

1. LEGENDS has violated the conditions of its permit for the dispensing of alcohol. The Type 47 license issued by ABC requires a restaurant food service be the main component of the business.
2. Based upon a record of Police Department calls for service in calendar year 2000, LEGENDS generated 29 calls for service, which was significantly higher than the City average for restaurants with alcohol sales of 3.7. thus creating a level of calls that constitute a nuisance situation.
3. In light of the above facts, Planning staff has determined that conditions 2 and 3 of Resolution 99-02 have not been adhered to and constitute adequate grounds for revocation of the Use Permit.
4. The Revocation of this Use Permit shall be effective on September 19, 2002 if the business has not been transferred to an unrelated entity. Should a transfer occur prior to September 19, 2002, the Use Permit shall remain in effect.

Dated: July 10, 2002

I hereby certify that Resolution No. 02-_____ was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on July 10, 2002, by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ABSENT:	Commissioners:
ABSTAIN:	Commissioners:

ATTEST: _____
Secretary, Planning Commission



MEMORANDUM, City of Lodi, Community Development Department

To: Planning Commission
From: Community Development Department
Date: April 14, 1999
Subject: The request of Legends Unlimited, Inc. for a Use Permit to allow a change in liquor license from a Type 48, on-sale general (Public Premises), to a Type 47 on-sale general (Eating Place), located at 27 West Elm Street.

SUMMARY

The proposed project is a request for a Use Permit allowing a change in liquor license from a Type 48, on-sale general (Public Premises), to a Type 47 on-sale general (Eating Place). Legend's existing liquor license (Type 48) allows the sale and consumption of liquor as a drinking establishment only. The requested change to a Type 47 allows the same sale and consumption of liquor but as a restaurant. The main difference between the two license types is that the Type 47 license allows minors to enter the establishment because of its restaurant status.

Legends currently has a lunch and dinner menu, but their liquor license does not allow minors to enter the establishment, so their food service is limited to those over 21. The applicant has stated that she also wants children to be able to view the displays of Hollywood memorabilia, fish tanks and other items of interest. The change in liquor license will not have a physical effect on the Legends establishment; however, staff is recommending conditions that will require some minor modifications to the way Legends currently operates.

BACKGROUND

The building, located at the north east corner of Elm and School Streets, is the former site of Farmers and Merchants Bank. The second and third floors of the building are used for offices, while the ground floor is the location of the bar. Legends opened for business at the present location in late 1996.

In April of last year, Legends received approval of a Use Permit from the Planning Commission to allow live entertainment and dancing. Legends was limited to live entertainment and dancing on Friday and Saturday nights from 9:00 p.m. until 1:15 a.m.; Thursday night from 8:00 p.m. until 12:30 a.m.; local festivals and parades, which are well publicized as City of Lodi events, and recognized national holidays, such as Christmas and New Year's Eve.

As part of the investigation for the entertainment Use Permit, the Lodi Police Department provided the Community Development Department with a history of service calls. The general finding of the Police Department was that the volume of calls for Legends was not out of the ordinary and was not what they would consider problematic.

As a side note to the liquor license hearing, the Use Permit for live entertainment is due for its one-year review. Staff contacted the Police Department and received information that the live entertainment has not been a problem, but that during the summer months, the rear door has been opened for ventilation, which has resulted in noise complaints. Staff recommends that the Planning Commission continue the Use Permit for an additional year under its original conditions with an added emphasis to comply with the City's Noise Ordinance.

ANALYSIS

Legends cocktail lounge is a use that is beneficial to the downtown for the purpose of generating pedestrian activity. Staff believes that the applicant's request for a change in liquor license type to be a restaurant is beneficial to the downtown because it emphasizes food service rather than alcohol consumption. Although the basis of the change does not appear to be problematic, there are consequences that have been pointed out by the Police Department as well as Alcoholic Beverage Control (ABC).

Their concerns come from the provision of a Type 47 license that allows minors on the premises. The provision to allow minors on the premises is intended to allow them to eat in the dining area. The problem with this provision is that ABC does not have its own conditions to limit access to minors. For example, under this license minors can sit at the bar, and there are no limitations on when minors can be on the premises.

Both the Police Department and ABC believe that the combination of a bar, live entertainment, and minors will be an enforcement problem both day and night without establishing some basic conditions. The Police Department has recommended a condition to restrict minors from sitting at the bar at any time, thus limiting them to the dining area. Both Lodi Police and ABC recommend an additional condition to limit the hours that minors can be on the premises to 10 p.m. or until dinner is no longer being served, whichever comes first. Given that the Dinner Menu for Legends sets the dinner hours from 5 to 9 p.m., we believe a 10 p.m. limit is appropriate.

The Community Development Department's concerns with the Use Permit are directly related to Legends food service situation. We are concerned that the limited menu being offered at Legends scarcely meets the definition of a restaurant as established by ABC (See Attached). The City does not have its own definition of a restaurant so we are limited to ABC's approval for which they have confirmed that Legends is in compliance. Another concern with the restaurant is the lack of a designated dining area. Our final concern is with the cooking facilities; although having been determined to be in compliance with County Environmental Health and the City's Community Improvement Division, strictly limits the types of foods that can be prepared. We believe that the applicant wholeheartedly intends to comply with the laws, but we feel that without specific conditions on the restaurant, we believe the restaurant requirement of the ABC may be neglected. In order to preserve the restaurant status of Legends, we are recommending conditions that the applicant provide staff with a floor plan with a designated dining area, that any changes to the menu be approved by staff and ABC, and that the existing cooking facilities and future improvements or additions to the cooking facilities be made in compliance with Environmental Health and Community Development.

RECOMMENDATION

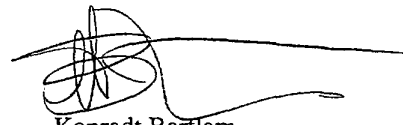
Staff recommends that the Planning Commission approve the request of Legends Unlimited, Inc. for a Use Permit to allow a change in liquor license from a Type 48, on-sale general (Public Premises), to a Type 47 on-sale general (Eating Place), located at 27 West Elm Street, subject to the conditions on the attached Resolution.

Respectfully Submitted,



Mark Meissner
Associate Planner

Reviewed & Concur,



Konrad Bartlam
Community Development Director

KB/MM/lw

Attachments

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: April 14, 1999
APPLICATION NO: Use Permit: U-99-02
REQUEST: The request of Legends Unlimited, Inc. for a Use Permit to allow a change in liquor license from a Type 48, on-sale general (Public Premises), to a Type 47 on-sale general (Eating Place), located at 27 West Elm Street.
LOCATION: 27 West Elm Street
APPLICANT: Jacqueline Brown
27 West Elm Street
Lodi, CA 95240
PROPERTY OWNER: Alvin & Shirley Roberts
26297 North Cherokee Lane
Galt, CA 95632

Site Characteristics:

General Plan Designation: DC, Downtown Commercial
Zoning Designation: C-2, General Commercial
Property Size: 6,400 square-feet

Adjacent Zoning and Land Use:

North: C-2, General Commercial; adjacent to the site on the north is a residential single occupancy hotel.
South: C-2, General Commercial; across Elm Street is a restaurant.
East: C-2, General Commercial; adjacent to the site on the east is the local post of the Veterans of Foreign Wars.
West: C-2, General Commercial; across School Street is a vacant commercial site, formerly a day care preschool.

Neighborhood Characteristics:

Downtown Lodi is the geographic, as well as the historical center, of the City. Development in the downtown is a mixture of commercial uses, including restaurants, retail businesses, and service establishments.

ENVIRONMENTAL ASSESSMENTS:

The project was found to be categorically exempt according to the California Environmental Quality Act, §15301, Class 1. No significant impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on April 4, 1999. A total of 32 notices were sent to all property owners of record within a 300-foot radius of the subject property.

RECOMMENDATION:

Staff recommends that the Planning Commission approve the request of Legends Unlimited, Inc. for a Use Permit to allow a change in liquor license from a Type 48, on-sale general (Public Premises), to a Type 47 on-sale general (Eating Place), subject to the conditions in the attached resolution.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Use Permit with Alternate Conditions
- Deny the Use Permit
- Continue the Request

ATTACHMENTS:

1. Vicinity Map
2. Floor Plan
3. ABC 23038 Acknowledgment
4. Draft Resolution

ELM ST

Shooter Bar

Wheelchair Ramp
1st/2nd Floor

Column

Reef Tank

Existing Pylon

Bar

Food Prep

Cooler

Storage

Stage

Pool Table

Existing Pylon

Dance Floor

Display Case

Women Restroom

Existing Pylon

To basement

Storage To Alley

SCHOOL ST



Legends Unlimited, Inc.
Use Permit, Liq. Lic. 48 to 47
27 West Elm Street

U-99-02

4-14-99

VICINITY MAP



CHURCH ST.

Locust St.

School St.

Sacramento St.

S.P.R.R.

Main St.

ELM ST

PINE ST

122 114 123
118 115
114

113
109
107
130

124 108
25
23
21

130 20 10 127
124 125
118 123
116 121
119

114 25 117
106 21 23 19 11
107 101
111

26 24 22 14
20 22
14 16 18

Legends Unlimited, Inc.
Use Permit, Lic. Lic. 48 to 47
27 West Elm Street

U-99-02

4-14-99

STATE OF CALIFORNIA — BUSINESS, TRANSPORTATION AND HOUSING AGENCY

PETE WILSON, Governor

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL


Stockton District Office
31 East Channel Street, Room 168
P.O. Drawer 150
Stockton, CA 95201
(209) 948-7739



April 5, 1999

Mr. Meissner,

I met with Jackie Brown on 4-2-99 and discussed Section 23038 of the Business and Professions Code, bona fide public eating place. She was given a copy of the aforementioned section. She advised me that she would comply with the section and has no problems with conditions on the hours that minors will be allowed in the premises.


R. McCarty
Investigator

Legends

FOR LUNCH

27 West Elm Street
Lodi, CA 95242
(209) 365-1043

***WE CAN:** *Have your lunch ready
upon arrival. Call 365-1043.*

***DO:** *Phone ahead for food orders to go.
Call 365-1043.*

***PLEASE:** *Phone ahead for groups of 6 or
more. Call 365-1043.*

***ALSO:** *To make your reservations for
birthdays, anniversaries, etc. Call
365-1043.*

MAR-09-1999 15:14

209 339 9430

94%

P.01

LUNCH MENU

Served Monday through Saturday from 11:00 Am to 2:00 Pm

*OUR PRICES INCLUDE TAX BUT NOT GRATUITY

APPETIZERS

Stuffed Mushrooms \$5.50

Mushrooms stuffed with our signature blend of butter, garlic, diced bread, and tomatoes. Topped with cheese and baked to perfection.

Nachos \$5.50

A hearty serving of nacho chips smothered in nacho cheese and topped with salsa, olives, jalapenos and sour cream.

Garlic Bread 1/2 \$3.25 Full \$4.25
Soft French bread brushed with our special garlic butter blend.

French Fries \$3.25
A hearty basket of full of our special seasoned fries.

Onion Rings Foot \$4.25 1/2 Foot \$3.25
Our home-style onion rings stacked high and served with three dipping sauces.

Fresh Cream Cheese Jalapeno Peppers \$5.50
Grande sized jalapeno peppers stuffed with cream cheese, dipped in a light potato breading and deep-fried to perfection.

Fresh Tequila Poppers \$5.75
Fresh jalapenos stuffed with a blend of real Wisconsin sharp cheddar, Monterey Jack and cream cheese dipped - tails and all - in a premium gold tequila butter.

Breaded Mozzarella Cheese Sticks \$4.75
Real Wisconsin mozzarella cheese sticks coated in our special Italian-seasoned breading.

Breaded Zucchini Sticks \$2.75
Fresh-cut zucchini sticks coated with Italian cheeses and lightly seasoned bread crumbs.

LEGENDS' Sampler \$8.25
A combination platter of our French fries, onion rings, tequila poppers, mozzarella sticks and zucchini sticks.

Dino Wings \$5.75
Hot and spicy buffalo wings baked and seasoned to perfection.

Calamari Strips \$6.50
Delicious strips of calamari dipped in breading and deep-fried to perfection.

Shrimp Cocktail \$6.50
Succulent bay shrimp tossed in cocktail sauce and fresh lemon juice. Served on a bed of lettuce in a margarita glass with a lemon twist.

Oysters on the Half-shell \$8.50
Blue point oysters topped with a side of our zesty cocktail sauce and lemon wedges.

Absolut Oyster Shooter \$3.75
Blue point oysters topped with a side of our zesty cocktail sauce, a twist of lemon and a shot of Absolut Pepper Vodka.



SANDWICHES

Your choice of white, wheat, rye or French roll.
Served with French fries or pasta salad.
\$8.50 more substitute Onion Rings or Salad Bar.

BLT \$5.50
A classic BLT served on your choice of bread.

Tuna \$5.50
All white tuna mixed with olives and mayonnaise topped with lettuce and tomatoes.

Club \$6.25
Combo piled high with smoked ham and turkey topped with bacon and cheese.

Ham \$4.75
Smoked ham piled high topped with lettuce and tomato.

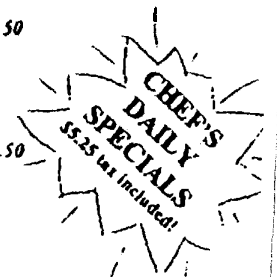
Turkey \$4.75
Sliced white turkey piled high topped with lettuce and tomato.

Tri-Tip \$7.50
Thin sliced tri-tip piled high and topped with melted jack cheese and sautéed onions. Served with au jus. Add peppers and mushrooms for only 50 cents.

All You Can Eat Salad Bar \$5.50

Soup of the Day
Cup \$2.25 Bowl \$3.25

Cup of Soup and Salad Bar \$5.50



EVERY FRIDAY NIGHT - PRIME RIB
Plus Blackened Catfish, Blackened Chicken, and Tri-tip Dinners

EVERY SATURDAY NIGHT - SCAMPI
Plus Full Dinner Menu

**A 15% gratuity will be added to parties of ten or larger.

DINNER MENU

Served Wednesday, Thursday, Friday, and Saturday 5:00 Pm to 9:00 Pm.

*OUR PRICES INCLUDE TAX BUT NOT GRATUITY

APPETIZERS

Stuffed Mushrooms \$5.50

Mushrooms stuffed with our signature blend of butter, garlic, diced bread, and tomatoes. Topped with cheese and baked to perfection.

Nachos \$5.50

A hearty serving of nacho chips smothered in nacho cheese and topped with salsa, olives, jalapenos and sour cream.

Garlic Bread 1/2 \$3.25 Full \$4.25

Soft French bread brushed with our special garlic butter blend.

French Fries \$3.25

A hearty basket of full of our special seasoned fries.

Onion Rings Foot \$4.25 1/2 Foot \$3.25

Our home-style onion rings stacked high and served with three dipping sauces.

Fresh Cream Cheese Jalapeno Poppers \$5.50

Grande sized jalapenos peppers stuffed with cream cheese, dipped in a light potato breading and deep-fried to perfection.

Fresh Tequila Poppers \$5.75

Fresh jalapenos stuffed with a blend of real Wisconsin sharp cheddar, Monterey Jack and cream cheese dipped - tails and all - in a premium gold tequila batter.

Breaded Mozzarella Cheese Sticks \$4.75

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A combination platter of our French fries, onion rings, tequila poppers, mozzarella sticks and zucchini sticks.

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Delicious strips of calamari dipped in breading and deep-fried to perfection.

Shrimp Cocktail \$6.50

Succulent bay shrimp tossed in cocktail sauce and fresh lemon juice. Served on a bed of lettuce in a margarita glass with a lemon twist.

Oysters on the Half-shell \$8.50

Blue point oysters topped with a side of our zesty cocktail sauce and lemon wedges.

Absolut Oyster Shooter \$3.75

Blue point oysters topped with a side of our zesty cocktail sauce, a twist of lemon and a float of Absolut Pepper Vodka.

SOUP AND SALADS

Classic Caesar \$6.50

A classic Caesar salad served with a lemon twist and tomato wedges.

Chicken Caesar \$8.50

Our classic Caesar salad topped with a diced chicken breast that has been seasoned to perfection.

Cup of Soup \$2.25

Salad Bar \$5.50

Cup of Soup and Salad Bar \$6.50

SANDWICHES

Served on a French roll with French fries or pasta salad.
\$1.50 more substitute onion rings or salad bar.

Tri-Tip \$7.50

Thin sliced tri-tip piled high and topped with melted jack cheese and sautéed onions. Served with au jus.
Add peppers and mushrooms for only 50 cents.

DINNERS

All dinners are served with salad bar or soup and a basket of bread.
Your choice of a baked potato, rice pilaf, onion rings, or French fries.

Blackened Chicken \$10.75

**A signature item. Boneless skinless chicken breast grilled with our own Cajun seasoning.

Blackened Catfish \$11.75

**A signature item. Boneless filleted catfish grilled with our own Cajun seasoning.

Tri-Tip \$10.75

Seasoned Tri-tip marinated in au jus and garlic.

FRIDAY NIGHT SPECIAL - PRIME RIB

Wonderfully seasoned and roasted to perfection!

The "Marilyn" \$11.75 The "Duke" \$13.75

SATURDAY NIGHT SPECIAL - SCAMPI

**A 15% gratuity will be added to parties of ten or larger.

4/14/99

The request of Legends Unlimited, Inc. for a Use Permit to allow a change in liquor license from a Type 48, on-sale general (Public Premises), to a Type 47, on-sale general (Eating Place), located at 27 West Elm Street. NE corner of School and Elm Street. Associate Planner Meissner presented this matter to the Commission. The difference in license would allow minors into the restaurant. He stated that the owner desires to let children in to view the display cases and fish tanks located within the establishment. The Police Department stated that the amount of calls received were not problematic. The Police Department stated that live entertainment was not a problem, however during the summer, the side door had been left open therefore creating a noise problem. They were recommending that the Use Permit be reviewed after another year. The Police Department stated that there should be restrictions that minors cannot sit at the bar and limit the hours that minors can be on the premises to 10:00 p.m. The limited menu, lack of a designated dining area, and the cooking equipment they have, restricts the type of food they can cook. Staff was recommending that the applicant supply a layout of the dining area and ABC and City approval when there is a change on the menu.

Commissioner McGladdery questioned if ABC approves menus for other restaurants. Community Development Director Bartlam stated that yes, they do, whenever alcohol is going to be served ABC monitors the menu.

Commissioner Borelli questioned if the children would be mingling with the bar patrons. Community Development Director Bartlam stated that there would be some restrictions to prevent the situation.

Hearing Opened to the Public

Jacqueline Brown, 1731 Lakeshore Drive, Lodi. She claimed that she has noticed children looking through the windows and would like to have them come inside and view the displays. She is very child-oriented. She stated that Applebees also has a bar when you enter the restaurant. Last year a police officer wanted to bring children in to Legends to view the displays during the day, but they couldn't due to their license. They provide security at the door starting at 9:00 p.m. She has been working on the menu and presented the commission with a drawing of the proposed dining area. She asked ABC about the menu and they were in approval of the new menu (which included a kid's menu). In regards to the matter concerning leaving the door opened during the summer, they have installed an alarm at the door.

Commissioner Mattheis stated that Legends has a "bar" reputation and asked Jacqueline what she was trying to achieve. She stated that she just wanted to include children as her patrons so that they too could enjoy the displays. She further mentioned that the bar located in the dining area would not be opened only on Friday and Saturday nights.

Hearing Closed to the Public

Commissioner Rasmussen stated that the owner would be taking a chance of having 18 and 19 year olds in the establishment. He was agreeable to a one-year review.

Commissioner Mattheis voiced concern over the transition of going from no minors in the establishment to allowing minors into the establishment.

Commissioner Rice voiced concern over how Legend's patrons would handle children in the bar. Ms. Brown responded that she expected children in the bar only during the lunch hour and she is willing to only sell beer and wine at the bar located in the dining area.

The Planning Commission on motion of Commissioner Mattheis, McGladdery second, approved the Use Permit subject to the conditions set forth in the Resolution with several changes. Those changes were that the word "seating" be added to 5)a, that the time be changed from 10:00 p.m. to 9:00 p.m. for item 5)b, and that the wording "Bar in southwest corner of dining area would not operate while minors are on premises" be added as item 5)g.

AYES:	Commissioners:	Borelli, Mattheis, McGladdery, Rasmussen
NOES:	Commissioners:	Rice and Schmidt
ABSENT:	Commissioners	Stafford
ABSTAIN:	Commissioners	

TENTATIVE MAPS

The request of J. Jeffrey Kirst on behalf of Richards Ranch Limited Partnership, for a two-year extension of the Richards Ranch Tentative Subdivision Map.

The request of J. Jeffrey Kirst on behalf of Thayer Ranch General Partnership, for a two-year extension of the Thayer Ranch Tentative Subdivision Map.

Hearing Opened to the Public

Jeffrey Kirst, 222 W.Lockeford St, Suite 1. Mr. Kirst represented both properties. He explained that he has had numerous negotiations with the School District. He asked that a change to the Thayer Ranch resolution condition 5)C-4 be made to match the Richards Ranch 5)C-3 (as far as being approved by the Public Works and Community Development Director) He further stated that he would like to start construction in June and July and hopefully be completed by the end of the year.

Hearing Closed to the Public

The Planning Commission on motion of Commissioner McGladdery, Mattheis , second, approved the map extensions with the correction that "Design and plans shall be provided by the developers engineer to the approval of the City Engineer and Community Development Director" be added to the Thayer Ranch Resolution item 5)c-4, subject to the conditions set forth in the Resolution.

AYES:	Commissioners:	Borelli, Mattheis, McGladdery, Rasmussen, Rice, and Schmidt
NOES:	Commissioners:	
ABSENT:	Commissioners	Stafford
ABSTAIN:	Commissioners	

Announcements & Correspondence

Community Development Director Bartlam informed the Commission that on May 6, 1999 at 6:00 p.m. there will be a public meeting regarding the Zoning Ordinance Revision.

RESOLUTION NO. P.C. 99-12

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
APPROVING THE REQUEST OF LEGENDS UNLIMITED, INC. FOR A USE
PERMIT TO ALLOW A CHANGE IN LIQUOR LICENSE FROM A TYPE 48,
ON-SALE GENERAL (PUBLIC PREMISES), TO A TYPE 47 ON-SALE
GENERAL (EATING PLACE), LOCATED AT 27 WEST ELM STREET.**

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit to allow a change in liquor license from a Type 48 to a Type 47;

WHEREAS, the project proponent is Legends Unlimited, 27 West Elm Street, Lodi, CA 95240;

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows:

1. The project was found to be categorically exempt according to the California Environmental Quality Act, §15301, Class 1. No significant impacts are anticipated and no mitigation measures have been required.
2. The Planning Commission finds that approval of the Use Permit will not be contrary to good planning practice.
3. All applicable Federal, State, and local rules and regulations, including those set forth by the Department of Alcoholic Beverage Control, and those set forth in the Lodi Municipal Code shall be adhered to by the applicant, especially Chapter 15.04.090 regarding adherence to the Building Code, and Chapter 9.24 pertaining to Noise Regulation.
4. The applicant shall sign a notarized affidavit within ten (10) days after adoption of this resolution indicating an acceptance of all conditions of approval.
5. The Use Permit for Legends Unlimited for a change in liquor license from a Type 48 to a Type 47 is approved subject to the following conditions:
 - a) Minors shall not be permitted to sit at the bar and shall be limited to the dining seating area.
 - b) Minors shall not be permitted on the premises past 9 p.m. or when meals are not being served, whichever comes first.
 - c) Legends shall provide the Community Development Department with a floor plan specifying a designated dining area.

- d) Legends lunch and dinner menu shall remain in compliance with the State Department of Alcoholic Beverage Control (ABC) 23038 Acknowledgment. Legends shall submit any change in menu to the Community Development Department for forwarding and approval by ABC.
- e) Legends shall maintain the existing cooking facilities and future improvements or additions to the cooking facilities in compliance with the County Environmental Health Department and the City's Community Development Department.
- f) The Use Permit for live entertainment and liquor license shall be reviewed by staff one year from the date of adoption (April 14, 2000) with a report to the Planning Commission.
- g) The bar located in the southwest corner of the dining area will not operate while minors are on premises.

Dated: April 14, 1999

I hereby certify that Resolution No. 99-12 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on April 14, 1999, by the following vote:

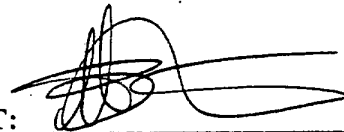
AYES: Commissioners: Borelli, Mattheis, McGladdery, and Rasmussen

NOES: Commissioners: Rice and Schmidt

ABSENT: Commissioners: Stafford

ABSTAIN: Commissioners:

ATTEST:



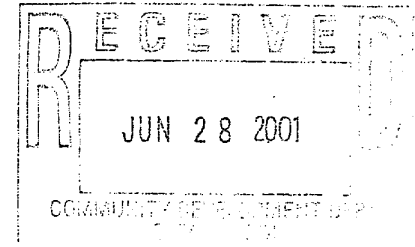
Secretary, Planning Commission

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

Stockton District Office
31 East Channel Street, Room 168
Stockton, CA 95202
(209) 948-7739



June 19, 2001



Legends Unlimited, Inc.
Legends
27 W. Elm Street
Lodi, CA 95240

Re: License # 47-349510

Dear Licensee(s):

This letter is in response to a meeting held on June 14, 2001 between representatives of the Licensee, Lodi Police Department, Deputy City Attorney, Zoning, Economic Development Department, and the Department of Alcoholic Beverage Control. As was discussed in the meeting, the Lodi Police Department has received a significant increase in calls for service and/or has responded to incidents occurring on or about the above described licensed premises consisting of disorderly conduct, entertainment that draws heavily from a younger group of individuals resulting in disturbances, fights, noise, and public drunkenness causing a law enforcement problem.

This practice is in violation of Section 24200 (e) of the Business and Professions Code, which reads as follows:

(e) Failure to take reasonable steps to correct objectionable conditions on the licensed premises, including the immediately adjacent area that is owned, leased, or rented by the licensee, that constitute a nuisance, within a reasonable time after receipt of notice to make those corrections from a district attorney, city attorney, county counsel, or the department, under Section 373a of the Penal Code. For the purpose of this subdivision only, "property or premises" as used in Section 373a of the Penal Code includes the area immediately adjacent to the licensed premises which is owned, leased, or rented by the licensee.

During this meeting it was also brought out that the premises may not be promoting itself and/or operating as a bona fide public eating establishment in violation of Section 23038 of the Business and Professions Code, which reads as follows:

23038. "Bona fide public eating place," "meals"

"Bona fide public eating place" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health.

"Meals" means the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement. "Guests" shall mean persons who, during the hours when meals are regularly served therein, come to a bona fide public eating place for the purpose of obtaining, and actually order and obtain at such time, in good faith, a meal therein. Nothing in this section however, shall be construed to require that any food be sold or purchased with any beverage.

This letter should be considered by you as an official warning notice. Failure to take corrective steps to correct the objectionable conditions noted in this letter will result in formal disciplinary action being taken against your license.

Within twenty (20) days from the date of this letter, the licensee shall:

- Acknowledge receipt of this letter and inform the Department of any and all steps taken to prevent a recurrence of the violations described above.
- Bring the licensed premises into full compliance with the above-referred to sections. All objectionable conditions described above shall be corrected.

Your immediate cooperation will be appreciated.

If you have any questions, please feel free to contact this office.

Very truly yours,



Len Bachman
District Administrator

Enclosures: Section 24200 Business & Professions Code (Objectionable Conditions)
Food Service - Bona Fide Public Eating Place & Meals

cc: Chief Jerry Adams
Lodi Police Department
230 West Elm Street
Lodi, CA 95240

Objectionable Conditions

24200. Grounds.

The following are the grounds that constitute a basis for the suspension or revocation of licenses: . . .

(e) Failure to take reasonable steps to correct objectionable conditions on the licensed premises, including the immediately adjacent area that is owned, leased, or rented by the licensee, that constitute a nuisance, within a reasonable time after receipt of notice to make those corrections from a district attorney, city attorney, county counsel, or the department, under Section 373a of the Penal Code. For the purpose of this subdivision only, "property or premises" as used in Section 373a of the Penal Code includes the area immediately adjacent to the licensed premises that is owned, leased, or rented by the licensee.

(f) Failure to take reasonable steps to correct objectionable conditions that occur during business hours on any public sidewalk abutting a licensed premises and constitute a nuisance, within a reasonable time after receipt of notice to correct those conditions from the department. This subdivision shall apply to a licensee only upon written notice to the licensee from the department. The department shall issue this written notice upon its own determination, or upon a request from the local law enforcement agency in whose jurisdiction the premises are located, that is supported by substantial evidence that persistent objectionable conditions are occurring on the public sidewalk abutting the licensed premises.

For purposes of this subdivision:

(1) "Any public sidewalk abutting a licensed premises" means the publicly owned, pedestrian-traveled way, not more than 20 feet from the premises, that is located between a licensed premises, including any immediately adjacent area that is owned, leased, or rented by the licensee, and a public street.

(2) "Objectionable conditions that constitute a nuisance" means disturbance of the peace, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, loitering, public urination, lewd conduct, drug trafficking, or excessive loud noise.

(3) "Reasonable steps" means all of the following:

(A) Calling the local law enforcement agency. Timely calls to the local law enforcement agency that are placed by the licensee, or his or her agents or employees, shall not be construed by the department as evidence of objectionable conditions that constitute a nuisance.

(B) Requesting those persons engaging in activities causing objectionable conditions to cease those activities, unless the licensee, or his or her agents or employees, feel that their personal safety would be threatened in making that request.

IMPACT

Informed Merchants Preventing
Alcohol-Related Crime Tendencies

State of California
Department of Alcoholic Beverage Control

Food Service

To the licensee:

If you are licensed as a bona fide eating place (license Type 41, 47, or 49), you must operate and maintain your licensed premises as a bona fide eating place. You must make actual and substantial sales of meals, during the normal meal hours that you are open, at least five days a week. Normal meal hours are: Breakfast 6:00 a.m. - 9:00 a.m.; lunch 11:00 a.m. - 2:00 p.m.; and dinner 6:00 p.m. - 9:00 p.m. Premises that are not open five days a week must serve meals on the days they are open.

The premises must be equipped and maintained in good faith. This means the premises must possess working refrigeration and cooking devices, pots, pans, utensils, table service, condiment dispensers, menus, posters, signs, and enough goods to make substantial meals. The premises must comply with all regulations of the local health department.

Incidental, sporadic or infrequent sales of meals or a mere offering of meals without actual sales is not compliance. "Meals" means the usual assortment of food commonly ordered at various hours of the day. The service of only sandwiches or salads is not considered compliance. However, certain specialty entrees, such as pizza, fish, ribs, etc., and an assortment of other foods, such as soups, salads or desserts, may be considered a meal.

The Department will presume that a licensee is operating as a bona fide eating place if the gross sales of food prepared and sold to guests on the premises exceeds the gross sales of alcoholic beverages. "Prepared" means any processing preliminary to the final serving of food. (Note: Some licensees have a "conditional" license that requires food sales to be 50% or more of the total gross sales.)

Source: Instructions, Interpretations and Procedures, L-24.1 - L-24.2, April 1, 1975

23038. "Bona fide public eating place," "meals."

"Bona fide public eating place" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health.

"Meals" means the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement. "Guests" shall mean persons who, during the hours when meals are regularly served therein, come to a bona fide public eating place for the purpose of obtaining, and actually order and obtain at such time, in good faith, a meal therein. Nothing in this section, however, shall be construed to require that any food be sold or purchased with any beverage.

Source: California Business and Professions Code



NEUMILLER & BEARDSLEE

A PROFESSIONAL CORPORATION • ATTORNEYS & COUNSELORS

ESTABLISHED 1903

Anthony L. Vignolo

509 WEST WEBER AVENUE
FIFTH FLOOR
STOCKTON, CA 95203

POST OFFICE BOX 20
STOCKTON, CA 95201-3020

(209) 948-8200
(209) 948-4910 FAX

FROM MODESTO:
(209) 577-8200
(209) 577-4910 FAX

July 9, 2001

Len Bachman
District Administrator
Department of Alcoholic Beverage Control
Stockton District Office
31 East Channel Street, Room 168
Stockton, CA 95202

Re: License #47-349510

Dear Mr. Bachman:

I am responding on behalf of my client, Legends Unlimited, Inc., to your letter of June 19, 2001 which sets forth the concerns expressed at the meeting of June 14, 2001, between representatives of my client, Lodi Police Department, Deputy City Attorney, Zoning, Economic Development Department, and the Department of Alcoholic Beverage Control. Specifically, you have requested that my client, within twenty days of the date of your letter, (1) acknowledge receipt of your letter and inform the Department of Alcoholic Beverage Control (hereinafter "Department") of any and all steps taken to prevent a recurrence of any violations or potential violations of Business and Professions Code § 24200 and § 23038; and (2) to bring the licensed premises into full compliance with the aforementioned code sections.

I have reviewed Business and Professions Code § 24200 with Jacqueline Brown, sole shareholder of Legends Unlimited, Inc., and with Mitchell Brown, manager of Legends Unlimited, Inc., and their duty to take reasonable steps to correct "objectionable conditions" on the licensed premises, including the immediately adjacent area. As was expressed at the meeting on June 14, 2001, and as you indicated in your letter, these "objectionable conditions" include incidents to which the Lodi Police Department has responded, occurring on or about the premises, involving disorderly conduct, disturbing the peace, and public drunkenness.

As you indicated in your letter, an alcoholic beverage license may be suspended or revoked pursuant to § 24200(f) for "failure to take reasonable steps to correct objectionable conditions that occur during business hours on any public sidewalk abutting a licensed premises and constitute a nuisance, within a reasonable time after

receipt of notice to correct those conditions from the department." "Reasonable steps" are defined in § 24200(f)(3) as:

(A) Calling the local law enforcement agency. Timely calls to the local law enforcement agency that are placed by the licensee, or his or her agents, shall not be construed by the department as evidence of objectionable conditions that constitute a nuisance.

(B) Requesting those persons engaging in activities causing objectionable conditions to cease those activities, unless the licensee, or his or her agents or employees, feel that their personal safety would be threatened in making that request.

(C) Making good faith efforts to remove items that facilitate loitering, such as furniture, except those structures approved or permitted by the local jurisdiction. The licensee shall not be liable for the removal of those items that facilitate loitering.

At the meeting on June 14, 2001, Jacqueline and Mitch indicated their willingness to explore different options available for the renovation of Legends from a nightclub/restaurant to a family-style restaurant. Jacqueline and Mitch have and continue to explore such options, including the feasibility of obtaining the necessary funds to make such renovations. In the meantime, however, and in accordance with the foregoing statutory code sections requiring the licensee to take "reasonable steps" to correct "objectionable conditions" on the premises, Jacqueline and Mitch will continue to telephone the Lodi Police Department in the event that an "objectionable condition" arises, and will continue to request those persons engaging in any activity causing an "objectionable condition" to cease such activity.

Furthermore, Jacqueline and Mitch have implemented or are in the process of implementing various security measures which will be in effect if and until a plan to renovate Legends into a family-style restaurant is fully implemented. These security measures include shirts for all security personnel with the word "SECURITY" printed on the back side, implementation of a dress code for all patrons, professional training of all security personnel by Rich Edwards of Windwalker Security, and implementation of a "No Tolerance" policy which, in essence, consists of requesting those engaged in any activity causing an "objectionable condition" to leave the premises.

Finally, § 24200(f)(3)(C) provides that a "reasonable step" to correcting an "objectionable condition" includes good faith efforts to remove items that facilitate loitering. In facilitating the enforcement of the "no smoking" law, which Legends has and continues to strictly enforce, Jacqueline and Mitch had decided to place a bench in front of Legends for the convenience of the patrons who smoke. Jacqueline

and Mitch have determined that this bench facilitated loitering by those other than Legends' patrons and have therefore had the bench removed.

I have also reviewed Business and Professions Code § 23038, which sets forth the requirements for a bona fide public eating place, with Jacqueline and Mitchell. To assure that Legends is in compliance with § 23038, Jacqueline and Mitchell have taken the following measures:

- Contacted and paid for a restaurant consultant to explore the possibility of renovating and/or expanding the kitchen facilities of Legends;
- Increased dining hours;
- Placed table settings and place mats on tables
- Added menu items,
- Hired a full time kitchen manager and two additional kitchen personnel;
- Began posting the menu outside;
- Contacted the Restaurant Association, of which Legends is a member, for ideas and suggestions; and
- Added items to the existing children's menu.


Mr. Bachman, I would like to stress that Jacqueline and Mitch have expressed their willingness to fully cooperate with the Department and the City of Lodi. At the meeting on June 14, 2001, the Department and the City, for the first time, expressed their desire that Legends make substantial changes in the patrons that it serves and in its image in the community. Specifically, the Department and the City expressed their desire for Legends to shift the emphasis of the business from a "nightclub" to a "restaurant," with an ultimate vision of creating a family-oriented restaurant, such as Applebee's. As was discussed at the meeting on June 14, 2001, Legends originally began and, due to its limited kitchen facilities, has continued primarily as a "nightclub" However, Jacqueline and Mitch have indicated their willingness and desire to explore the possibility of shifting the emphasis of the business consistent with the envisioned plan expressed by the Department and the City, and Jacqueline and Mitch have begun to explore whether such a plan is financially feasible. Accordingly, Jacqueline and Mitch would appreciate any suggestions or ideas that you may have.

Jacqueline and Mitch will appreciate the patience of the Department and the City as they begin to explore the possibility of the renovation of Legends into a family-

Len Bachman, District Admin.
July 9, 2001
Page 4

oriented restaurant. If you have any questions or concerns, please do not hesitate to contact me at the above-referenced address.

Very truly yours,



ANTHONY L. VIGNOLO
Attorney at Law

:alv

cc: Chief Jerry Adams
Lodi Police Department
230 West Elm Street
Lodi, CA 95240

Jacqueline Brown
Mitch Brown



NEUMILLER & BEARDSLEE

A PROFESSIONAL CORPORATION • ATTORNEYS & COUNSELORS

ESTABLISHED 1903

AUG 07 2001

11094-new

Anthony L. Vignolo

CITY ATTORNEY'S OFFICE

509 WEST WEBER AVENUE
FIFTH FLOOR
STOCKTON, CA 95203

POST OFFICE BOX 20
STOCKTON, CA 95201-3020

(209) 948-8200
(209) 948-4910 FAX

FROM MODESTO:
(209) 577-8200
(209) 577-4910 FAX

August 6, 2001

D. Stephen Schwabauer
Office of the City Attorney
P O Box 3006
Lodi, CA 95241 1910

Re: Jacqueline Brown

Dear Mr. Schwabauer:

On behalf of my client, Legends Unlimited, Inc., I would like to belatedly express my sincere appreciation for the time and effort given by representatives of the City of Lodi and the Alcoholic Beverage Control at the meeting with my client on June 14, 2001.

Jacqueline Brown, sole shareholder of Legends, eagerly awaits completion of the redevelopment of downtown Lodi and believes that Legends, as it has in the past, can and will significantly contribute to the economic growth and prosperity of the downtown area. Mrs. Brown has dedicated the past several years to overseeing the operations of Legends, implementing new ideas, and most importantly, responding to the growing needs of the Lodi community. For example, shortly after Mrs. Brown became the shareholder of Legends, she applied to modify Legends' use to allow children into the restaurant so that they could share in the appreciation of the Hollywood memorabilia as displayed inside of the establishment.

Of course, Mrs. Brown would like to protect the investment that Legends has made in the downtown area and would like to ensure that Legends is included within the redevelopment plan envisioned by the City. At the meeting on June 14, 2001, the City's representatives indicated that if Legends is to continue operating, it must conform to the City's envisioned plan of the downtown area. In an effort to respond to the prospective needs of the downtown area, Mrs. Brown has contacted a restaurant consultant to advise Legends as to renovation options.

However, before advising Legends as to possible changes that could be implemented in response to the City's envisioned plan of the downtown area, the restaurant consultant has requested the City's invaluable input in regards to (1) all requirements

Rad
I want gress to
want a letter to
tell them to make it
a restaurant, kill the bars
and kill the constant calls
for police service... Sands
like a 30b for your
department!

Donald S. Schwabauer
August 6, 2001
Page 2

and conditions, including, but not limited to, those set forth in the current permits, of which the City believes Legends is currently required to comply; and (2) any suggestions or ideas that the City would like to see Legends implement in light of the current requirements and conditions imposed upon Legends. My client would appreciate a response at your earliest possible convenience so that the consultant can begin exploring renovation options.

Thank you in advance for your anticipated courtesy and cooperation in this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Anthony L. Vignolo', written over a horizontal line.

ANTHONY L. VIGNOLO

ALV:cln

cc: Jacqueline Brown

CITY COUNCIL

ALAN S. NAKANISHI, Mayor
PHILLIP A. PENNINO
Mayor Pro Tempore
SUSAN HITCHCOCK
EMILY HOWARD
KEITH LAND

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6711
FAX (209) 333-6842

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney

August 9, 2001

Anthony L. Vignolo
Newmiller & Beardslee
509 West Weber Avenue, Fifth Floor
Stockton, CA 95203

Dear Mr. Vignolo,

I am in receipt of a letter you wrote to Steve Schwabauer regarding Legends, Unlimited, Inc. In that letter, you requested information about the City's plan for the downtown area and in particular for Legends.

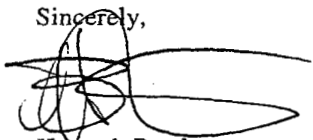
I am enclosing a copy of the Planning Commission resolution which sets forth conditions of approval for Legends' alcohol permit. First and foremost among our concerns is that Legends operate as a bona fide restaurant as it was explained to us by your client, and as defined by the State.

Further, it certainly seems that the theme Legends has established using Hollywood memorabilia would be attractive to those who might be attending the theater complex across School Street. A significant number of these patrons are under 21 years of age or are part of a family unit that finds the current "bar" format unacceptable.

Finally, the concept of crowd control is of the utmost concern, both inside and outside of the establishment. Should your client not be able to make the changes necessary to come into conformance with the City's and State's requirements, we shall pursue the appropriate revocation process. In part, our review of activities will be based on calls for police services.

I trust this perspective is helpful. I believe there are a number of restaurants in Lodi and in the vicinity that Ms. Brown can emulate for positive ideas.

Sincerely,



Konradt Bartlam
Community Development Director

Cc: Steve Schwabauer, Deputy City Attorney
Jerry Adams, Police Chief
Tony Goehring, Economic Development Coordinator

Enclosure

RESOLUTION NO. P.C. 99-12

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
APPROVING THE REQUEST OF LEGENDS UNLIMITED, INC. FOR A USE
PERMIT TO ALLOW A CHANGE IN LIQUOR LICENSE FROM A TYPE 48,
ON-SALE GENERAL (PUBLIC PREMISES), TO A TYPE 47 ON-SALE
GENERAL (EATING PLACE), LOCATED AT 27 WEST ELM STREET.**

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit to allow a change in liquor license from a Type 48 to a Type 47;

WHEREAS, the project proponent is Legends Unlimited, 27 West Elm Street, Lodi, CA 95240;

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows:

1. The project was found to be categorically exempt according to the California Environmental Quality Act, §15301, Class 1. No significant impacts are anticipated and no mitigation measures have been required.
2. The Planning Commission finds that approval of the Use Permit will not be contrary to good planning practice.
3. All applicable Federal, State, and local rules and regulations, including those set forth by the Department of Alcoholic Beverage Control, and those set forth in the Lodi Municipal Code shall be adhered to by the applicant, especially Chapter 15.04.090 regarding adherence to the Building Code, and Chapter 9.24 pertaining to Noise Regulation.
4. The applicant shall sign a notarized affidavit within ten (10) days after adoption of this resolution indicating an acceptance of all conditions of approval.
5. The Use Permit for Legends Unlimited for a change in liquor license from a Type 48 to a Type 47 is approved subject to the following conditions:
 - a) Minors shall not be permitted to sit at the bar and shall be limited to the dining seating area.
 - b) Minors shall not be permitted on the premises past 9 p.m. or when meals are not being served, whichever comes first.
 - c) Legends shall provide the Community Development Department with a floor plan specifying a designated dining area.

- d) Legends lunch and dinner menu shall remain in compliance with the State Department of Alcoholic Beverage Control (ABC) 23038 Acknowledgment. Legends shall submit any change in menu to the Community Development Department for forwarding and approval by ABC.
- e) Legends shall maintain the existing cooking facilities and future improvements or additions to the cooking facilities in compliance with the County Environmental Health Department and the City's Community Development Department.
- f) The Use Permit for live entertainment and liquor license shall be reviewed by staff one year from the date of adoption (April 14, 2000) with a report to the Planning Commission.
- g) The bar located in the southwest corner of the dining area will not operate while minors are on premises.

Dated: April 14, 1999

I hereby certify that Resolution No. 99-12 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on April 14, 1999, by the following vote:

AYES: Commissioners: Borelli, Mattheis, McGladdery, and Rasmussen

NOES: Commissioners: Rice and Schmidt

ABSENT: Commissioners: Stafford

ABSTAIN: Commissioners:

ATTEST:



Secretary, Planning Commission



NEUMILLER & BEARDSLEE

A PROFESSIONAL CORPORATION • ATTORNEYS & COUNSELORS

ESTABLISHED 1903

11094-28243

Anthony L. Vignolo

509 WEST WEBER AVENUE
FIFTH FLOOR
STOCKTON, CA 95203

POST OFFICE BOX 20
STOCKTON, CA 95201-3020

(209) 948-8200
(209) 948-4910 FAX

FROM MODESTO:
(209) 577-8200
(209) 577-4910 FAX

August 23, 2001

BY FACSIMILE & U.S. MAIL

Jerry Adams
Chief of Police, City of Lodi
230 West Elm Street
Lodi, California 95240

Re: Legends Unlimited, Inc.

Dear Chief Adams:

On behalf of my client, Legends Unlimited, Inc., I would like to belatedly express my sincere appreciation for the time and effort given by representatives of the City of Lodi and the Alcoholic Beverage Control at the meeting with my client on June 14, 2001.

Jacqueline Brown, sole shareholder of Legends, eagerly awaits completion of the redevelopment of downtown Lodi and believes that Legends, as it has in the past, can and will significantly contribute to the economic growth and prosperity of the downtown area. Mrs. Brown has dedicated the past several years to overseeing the operations of Legends, implementing new ideas, and most importantly, responding to the growing needs of the Lodi community. For example, shortly after Mrs. Brown became the shareholder of Legends, she applied to modify Legends' use to allow children into the restaurant so that they could share in the appreciation of the Hollywood memorabilia as displayed inside of the establishment, and added a special children's menu.

Of course, Mrs. Brown would like to protect the investment that Legends has made in the downtown area and would like to ensure that Legends is included within the redevelopment plan envisioned by the City. At the meeting on June 14, 2001, the City's representatives indicated that the City Police have, within the past year, responded to instances, including public intoxication, disturbing the peace, and other matters of concern, occurring on the streets and/or premises adjacent to Legends. The City's representatives have requested that Legends take appropriate measures to reduce the number of such instances.

Since the meeting of June 14, 2001, and in response to the City's request, Legends has implemented various security measures. These security measures include an addition to the number of security personnel, shirts for all security personnel with the word "SECURITY" printed on the back side, implementation of a dress code for all patrons, professional training of all security personnel by Rich Edwards of Windwalker Security in addition to prior training by the Alcoholic Beverage Control, and implementation of a "No Tolerance" policy which, in essence, consists of refusing admittance to those engaged in any activity causing an "objectionable condition," and requesting those engaged in any activity causing an "objectionable condition" to leave the premises. Furthermore, Legends has decreased its hours of operation in an effort to avoid the "late night" crowd and the accompanying problems. Mrs. Brown has also decided to remove the bench, which was placed outside of Legends as an accommodation for the patrons who smoke, after determining that such bench facilitated loitering by those other than the patrons of Legends.

At the meeting on June 14, 2001, the City representatives also mentioned that the City Police had responded to noise complaints resulting from the back door of Legends being left open. As was discussed at the meeting, leaving the back door open was a temporary solution to ensuring adequate ventilation of the building until a new air conditioning unit could be installed. Costly temporary air conditioning units are being rented, until city approval is obtained for installation of a permanent unit, in an effort to rectify any noise problems.

Mrs. Brown enjoys the good relationship that she and Legends have built with the City and the City's representatives. In working with the City to satisfy those concerns expressed at the meeting on June 14, 2001, Mrs. Brown has implemented the foregoing measures, on behalf of Legends, with the hope that such measures will effectively reduce the number of instances and/or complaints regarding Legends and/or the immediately adjacent premises.

At your convenience, would you kindly (1) confirm whether such measures have effectively reduced the number of instances and/or complaints regarding Legends and/or the immediately adjacent premises since our meeting of June 14, 2001; (2) provide the number of instances and/or complaints, if any, and the nature thereof, since our meeting of June 14, 2001; and (3) provide any suggestions that you may have for Legends to further reduce the number of any such instances and/or complaints.

Based upon the results of the requested information, Mrs. Brown is willing to implement, on behalf of Legends, any further necessary and appropriate measures.

Jerry Adams
August 23, 2001
Page 3

If you have any questions, please do not hesitate to contact me at the above-referenced address. Your anticipated courtesy and cooperation in this matter is greatly appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read "A. L. Vignolo", written over a horizontal line.

ANTHONY L. VIGNOLO
Attorney at Law

:alv

cc: Jacqueline Brown

Jerry J. Adams
Chief of Police

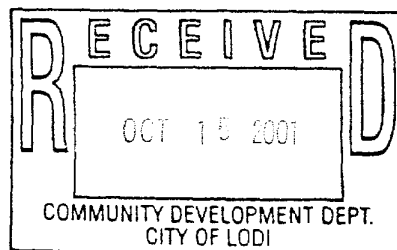
LODI POLICE DEPARTMENT

230 West Elm Street
Lodi, California 95240
(209) 333-6727



September 28, 2001

Neumiller & Beardslee
Mr. Anthony L. Vignolo, Attorney at Law
PO Box 20
Stockton, CA 95201-3020



Re: Legends Unlimited, Inc - Lodi

Dear Mr. Vignolo,

I did receive your correspondence concerning the meeting held with representatives of the City of Lodi and the Alcoholic Beverage Control on June 14, 2001. I was happy to provide assistance in discussing areas of concern that the Lodi Police Department has with the operation of Legends Unlimited.

As your letter states, Mrs. Brown did apply for and receive a modified ABC license as a restaurant, which would allow for children in the premises. Also with the ABC license change required a new use permit from the City of Lodi. I have attached an internal memo indicating some initial concerns back in March of 1999 when this was proposed.

It is my understanding that Legends still does not have what would be considered by the restaurant industry as a full-kitchen. We believe that although some meals are served, the primary focus of a restaurant atmosphere has never to-date been accomplished. As a result, we continue to experience typical bar-crowd associated calls for service. It is our conclusion that Legends is not operating as its ABC license requires for 51 percent of it's revenue being food (not alcohol) related. Therefore I am asking that the Alcohol Beverage Control conduct an audit to determine if this perception is correct and take appropriate action.

The notation in your letter regarding the addition of Security Personnel with "SECURITY" printed prominently on their shirts is indicative of the underlying concerns we continue to have. My Northwest District Commander, Lieutenant Somera has observed a chapter of the Hells-Angles motorcycle group at Legends and we have responded to in excess of fifteen (15) calls for service there since our meeting on June the 14th.

In specific answer to your questions of:

- 1) **Confirm whether measures have effectively reduced the number of instances and/or complaints regarding Legends?**

I am not satisfied that the number of complaints is consistent with a business that has the primary focus of a restaurant. It appears that Legends primary focus continues to be it's bar business.

- 2) **Provide the number of complaints:**

Computer Aided Dispatch logs attached.

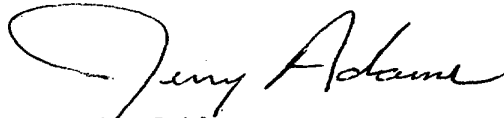
3) **Provide any suggestions you may have for Legends to further reduce complaints:**

The Management/Ownership of Legends needs to take seriously the discussion and suggestions offered on June 14th concerning changing the focus away from primarily a bar business to a restaurant business. It has been nearly four months since our meeting of June 14th and there appears to be little or no progress since that time.

In conclusion, the same concerns as expressed in the June 14th meeting still exist. It does not appear that Legends Unlimited, Inc., have made the necessary changes to their operation to be considered a restaurant. At this point, I believe it would be more accurate to describe Legends as a bar that serves some food on a limited basis. I believe that this is in violation of the provisions of their ABC license and is not in compliance with their City of Lodi Use Permit.

As stated several times during the meeting of June 14th, the addition of security/bouncers is not a solution. A new or expanded menu, without the associated kitchen facilities and professional restaurant management is merely window-dressing and not acceptable.

Yours Sincerely,



Jerry J. Adams
Chief of Police

C: Dixon Flynn, City Manager
Konradt Bartlam, Community Development Director
Tony Goehring, Economic Development Director
Len Bachman, District Administrator, Alcoholic Beverage Control

LODI POLICE DEPARTMENT

Memorandum

To: Chief Hansen

From: Captain Adams

Date: March 1, 1999

Subject: Legends Bar – License Change

I spoke with Cory Suzuki, supervision agent at ABC who said that Legends currently have a type 48 – on-sale general license- public premises. No one under 21 allowed. They are asking to exchange that license to an on-sale general eating place license. Which would allow under 21 in premises at all times.

Legends owner has stated that they go before the City of Lodi Planning Commission for a Conditional Use Permit. They are also changing owners so it's a transfer of ABC license. Eric Thompson at ABC is the case investigator assigned and he is holding the file pending finding by Lodi Planning Commission.

According to Cory, this request is a downgrade of their existing license and often bars will; attempt to do this when they cant make-it as a stand-alone bar. If granted, Legends would have to have a full kitchen and serve meals. Because of the size of their location separate eating/lounge areas would be difficult. Unlike a Black Angus, Omega, etc type establishment.

Our concern, of course is the 18-21 year old crowd that would be attracted to such a place. Monitoring of age and related enforcement measures would be of concern. Any concerns you may want to express should be directed to Rad Bartlum, and or, Eric Thompson at ABC.

COPY

Captain Jerry J. Adams
Commander,
Operations Division

c: Chief Hansen

Match	Event	Receive Time	Class	Address	Synopsis
1-Main	01036950	9/30/01 1:20:15 AM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	BAR TYPE 415
2-Main	01036803	9/29/01 1:47:13 AM	415P	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	PUBLIC PARKING MAN DOWN
3-Main	01036793	9/29/01 12:33:05 AM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	PAZ
4-Main	01036791	9/29/01 12:23:07 AM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
5-Main	01036790	9/29/01 12:14:39 AM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
6-Main	01036788	9/29/01 12:00:10 AM	893	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
7-Main	01036175	9/24/01 3:59:55 PM	HS	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	POSSIBLE H&S ACTIVITY BEHIND LEGENDS - WHITE GRAND PRIX
8-Main	01036173	9/24/01 3:37:13 PM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	CHK FOR 922 WMA WHI SHIRT BLU SWEAT PANTS
9-Main	01035999	9/23/01 1:24:50 AM	893	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	FLAGGED DOWN BY CITIZEN
10-Main	01035844	9/22/01 12:21:44 AM	CVC	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	ON A PARKING CITE
11-Main	01034981	9/15/01 11:09:13 PM	415P	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	2 MALES OUTSIDE CAUSING A 415 AT THE DOOR
12-Main	01034963	9/15/01 9:36:51 PM	415P	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	IN THE MIDDLE OF THE STREET PHYSICAL FIGHT IN FRONT
13-Main	01034836	9/15/01 12:25:33 AM	LOB	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS RP IN LOBBY)	TO VEH
14-Main	01034037	9/9/01 1:20:09 AM	CVC	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	BEHIND LEGENDS PEOPLE BLOCKING THE ALLEY WAY
15-Main	01033074	9/1/01 10:48:14 PM	HS	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	CHECK RESTROOM FOR WMA PLAID SHIRT TAN PANTS SELLING
16-Main	01032775	8/30/01 11:58:31 PM	LCC	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	LOUD MUSIC FROM A VEH IN THE AREA
17-Main	01032771	8/30/01 11:10:29 PM	974	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
18-Main	01032770	8/30/01 11:10:07 PM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
19-Main	01032726	8/30/01 4:13:43 PM	922	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	BLU/WHI SHIRT STUMBLING TOWARDS LEGENDS
20-Main	01032655	8/29/01 10:54:48 PM	415P	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	4 ADULTS INVOLVED IN SOME TYPE OF 415 RP HEARD THEM
21-Main	01032476	8/28/01 1:33:49 PM	893	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
22-Main	01031325	8/19/01 7:55:59 PM	933N	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	AUD ALARM
23-Main	01031225	8/19/01 12:47:10 AM	920	27 W ELM ST / N SACRAMENTO ST, LODI (LEGENDS)	
24-Main	01031179	8/18/01 8:32:32 PM	974	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	MALE SUBJ IN THE AREA ATTEMPTING TO START A FIGHT
25-Main	01031154	8/18/01 6:06:32 PM	933N	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	AUDIBLE, BACK DOOR, SPOKE W/IA JASON WITHOUT A PROPER
26-Main	01030430	8/13/01 2:25:17 AM	5150	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	RP STATES HMA W/GUITAR BLU SHIRT GRY PANTS POSSIBLE 5150
27-Main	01030161	8/11/01 1:11:44 AM	415P	27 W ELM ST / N SACRAMENTO ST, LODI (LEGENDS)	LARGE GROUP PHY
28-Main	01029988	8/9/01 10:35:48 PM		27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
29-Main	01029184	8/3/01 10:29:13 PM	HS	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	TWO FEM BARTENDERS W/ HS ACTIVITY
30-Main	01029036	8/3/01 1:00:39 AM		27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	SEPARATE EVENT SAME ADDRESS FOR A 242
31-Main	01029035	8/3/01 12:45:11 AM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	MALE SITTING OUTSIDE HARRASSING CUSTOMER
32-Main	01028277	7/28/01 1:36:42 AM		27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
33-Main	01028214	7/27/01 7:22:16 PM		27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
34-Main	01027391	7/21/01 12:52:54 AM		27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	
35-Main	01027199	7/19/01 6:23:15 PM	813	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	

Match	Event	Receive Time	Class	Address	Notes
36-Main	01027008	7/17/01 11:24:05 PM	906	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	BARTENDER REQUESTING A WALK-THROUGH
37-Main	01027001	7/17/01 10:21:31 PM	415	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	UNK TYPE 415 IN FRONT...POSS 415 PHYS...SUBJ CAME INSIDE BAR
38-Main	01026531	7/14/01 12:50:48 AM		27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	EA OF LEGENDS 415 VERBAL
39-Main	01026380	7/13/01 1:37:30 AM	459	27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	WHI CHEV PU IN THE LEGENDS LOT 459 TO VEH
40-Main	01023111	6/18/01 8:31:38 PM		27 W ELM ST / N SCHOOL ST, LODI (LEGENDS)	



NEUMILLER & BEARDSLEE

A PROFESSIONAL CORPORATION • ATTORNEYS & COUNSELORS

ESTABLISHED 1903

11094-28243

Anthony L. Vignolo

509 WEST WEBER AVENUE
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STOCKTON, CA 95201-3020

(209) 948-8200
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FROM MODESTO:
(209) 577-8200
(209) 577-4910 FAX

November 21, 2001

Jerry J. Adams
Chief of Police
Lodi Police Department
230 West Elm Street
Lodi, Ca 95240

Re: Legends Unlimited, Inc.

Dear Chief Adams:

Thank you for your letter of September 28, 2001 in response to my letter of August 23, 2001. Although your letter was dated September 28, 2001, it was not postmarked until October 14, 2001, which may in part explain the unusual delay of this response.

In your letter you indicated that the City of Lodi Police Department has responded to in excess of fifteen calls for service at Legends since our June 14, 2001 meeting. Despite my pleasure that this is a significant reduction from the number of calls that were placed during the same time period of last year, I have been unable to determine which calls, if any, set forth in the Computer Aided Dispatch logs which you attached to your letter, were directly related to occurrences created by Legends and/or its patrons. It appears that most calls for service were related to individuals on the public streets or in adjacent parking lots (not owned or controlled by Legends) and not otherwise associated with Legends or its patrons. For your convenience, I have attached the same Computer Aided Dispatch logs and request that you kindly provide further information, if possible, regarding the individual calls for service and their relationship to Legends and/or its patrons.

I do note one call placed on July 17, 2001, by the bartender of Legends requesting a walk-through of the premises. However, as you may be aware, in facilitating cooperation between public eating establishments and the local law enforcement and to promote orderly conduct, the California Business & Professions Code encourages establishments to place such calls for "walk-through" service. Furthermore, the Business and Professions Code prohibits such calls from being used against the establishment as evidence that a "nuisance" exists.

333504-1

Jerry J. Adams
Lodi Police Dept.
November 21, 2001
Page 2

You also indicated in your letter that it is your conclusion that "Legends is not operating as its ABC license requires for 51 percent of its revenue being food (not alcohol) related" and that you were therefore "asking that Alcohol Beverage Control conduct an audit to determine if this perception is correct and take appropriate action." I would ask that you review and research the conditions of Legends' ABC license. After speaking with Len Bachman of the Alcohol Beverage Control, he confirmed my belief that the condition that you mentioned is not a condition of Legends' ABC license. If you have some reason for believing that such a condition exists, I would appreciate any explanation you can provide.

Despite the foregoing, Jacqueline Brown realizes that the transformation of Legends into a "family-style" restaurant may be in the best interests of Legends. Mrs. Brown would also like to avoid any unnecessary difficulties with the City of Lodi. Accordingly, Mrs. Brown has been and is currently in negotiations with Bruzzone Restaurant Group to contract for restaurant consulting services, which includes renovation plan details and improvements, to ensure that the transformation is successful. While this time-consuming process is underway, my client would appreciate the cooperation of the City of Lodi.

If you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,



ANTHONY L. VIGNOLO
Attorney at Law

:alv

cc: Jacqueline Brown

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

Stockton District Office
31 East Channel Street, Room 168
Stockton, CA 95202
(209) 948-7739



November 30, 2001

Legends Unlimited, Inc.
Legends
27 W. Elm Street
Lodi, CA 95240

Re: License # 47-349510

Dear Licensee(s):

On June 14, 2001, a meeting was held with representatives of Legends Unlimited, Inc., Lodi Police Department, Deputy City Attorney, Zoning, Economic Development Department, and the Department of Alcoholic Beverage Control. During that meeting you were informed that the Lodi Police Department had received a significant increase in their calls for service and/or responses to incidents occurring on or about your licensed premises. It was also brought to your attention that the premises was not promoting itself and/or operating as a bona fide public eating establishment.

On June 19, 2001, this Department sent you a letter stating that because of the excessive number of calls for service and the disorderly activity/disturbances that has been occurring at the premises, you have become a law enforcement problem for the Lodi Police Department. In that letter you were also provided a copy of Sections 24200 Business and Professions Code (Objectionable Conditions), and Section 23038 Business and Professions Code (Bona Fide Public Eating Place). That letter also stated that you shall bring the premises into full compliance and correct all objectionable conditions as outlined in the letter.

This Department has been and is still receiving reports from the Lodi Police Department which reflect that you have not corrected the problems at your licensed premises and that you may not be operating as a bona fide public eating place. As a result of these reports, we have been asked to conduct an audit of your books and records to determine the ratio of alcoholic beverages sales to food sales. Pursuant to Business and Professions Code Section 25753 (copy enclosed) the Department demands that you produce the following documents/business records on or before December 20, 2001.

1. Copies of all invoice/receipts for purchases of both food and alcoholic beverages since January 2001.
2. A complete breakdown reflecting the total food sales verses the alcoholic beverage sales since January 2001.
3. Name, address, and telephone number of your accountant and bookkeeper .
4. A list of all of your employees, including title, date of hire, and release if no longer employed, since January 2001.
5. Copies of all issued City/County/State business licenses/permits issued for the premises.
6. A written response detailing the steps taken to eliminate the disorderly activity that has caused the Lodi Police Department to continue to respond to calls for service at your premises.

Upon receipt and review of the above requested items, additional documents/information may be required.

If you have any questions regarding this letter, you can contact Investigator Kathryn Pieratt at (209) 948-7138.

Very truly yours,



Len Bachman
District Administrator

cc: Chief Jerry Adams
Lodi Police Department
230 West Elm Street
Lodi, CA 95240



NEUMILLER & BEARDSLEE

A PROFESSIONAL CORPORATION • ATTORNEYS & COUNSELORS

ESTABLISHED 1903

11094-28243

Anthony L. Vignolo

509 WEST WEBER AVENUE
FIFTH FLOOR
STOCKTON, CA 95203

POST OFFICE BOX 20
STOCKTON, CA 95201-3020

(209) 948-8200
(209) 948-4910 FAX

FROM MODESTO:
(209) 577-8200
(209) 577-4910 FAX

December 28, 2001

Jerry J. Adams
Chief of Police
Lodi Police Department
230 West Elm Street
Lodi, Ca 95240

Re: Legends Unlimited, Inc.

Dear Chief Adams:

On or about November 30, 2001, Jacqueline Brown, on behalf of Legends Unlimited, Inc., received a letter from Len Bachman of the Department of Alcoholic Beverage Control stating that the City has requested that the Department conduct an audit of certain records of Legends to confirm that Legends is operating as a "bona fide" restaurant.

Although my client fully understands and sympathizes with the City's efforts to redevelop the downtown Lodi area, my client is somewhat surprised by the lack of cooperation and the unfulfilled promises of the City. Specifically, at the June 14, 2001 meeting, City representatives promised my client that Legends would have one year to conform to the City's redevelopment plan. However, approximately five months later, the City's has breached that promise.

My client's primary concern is that the City has and continues to improperly and unlawfully utilize its tools and resources in an effort to accomplish its redevelopment plan. At the June 14, 2001 meeting, the City claimed that Legends was operating as a "nuisance" and in violation of its conditional use permit due to the number of calls placed within the preceding year to the police department. I am sure that you can understand my client's surprise with the City's position, given the fact that just a few weeks prior to the June 14 meeting, you were quoted in the newspaper as stating that Legends did not have any more problems than any of the other local establishments. By failing to use its relentless efforts to equally pursue other local establishments, the City has and continues to engage in unlawful selective enforcement.

334056-2

Nevertheless, immediately after the June 14 meeting, Legends took appropriate measures and, as I indicated in my letter to you of November 21, 2001, it appears that there have since been few, if any, calls to the police department that are directly related to occurrences created by Legends and/or its patrons.

Although the number of complaints has been significantly reduced, if not entirely eliminated, the City now focuses upon whether Legends is operating as a "bona fide" restaurant in accordance with the requirements of its ABC license. Again, my client is quite surprised by this back-up position taken by the City. In 1999, Jacqueline Brown petitioned for a change in liquor license from a Type 48 to a Type 47, for the sole purpose of allowing children to enjoy the memorabilia which Legends has to offer. At the time that such petition was approved, the Planning Commission and the City of Lodi were fully aware of the limited kitchen facilities of Legends. In fact, the limited kitchen facilities and the meals that were served were deemed sufficient to classify Legends as a bona fide restaurant. There was no condition in the Resolution of the Planning Commission granting the petition that Legends renovate its kitchen facilities and/or hire a professional restaurant management team. Furthermore, at the June 14, 2001 meeting, there was no specific request that Legends renovate its kitchen facilities and/or hire a professional restaurant management team. The kitchen facilities, meals, and dining hours of Legends have only improved since the approval of my client's petition and since our June 14 meeting. In light of the foregoing facts, it is clear that the City is truly not concerned as to whether Legends is operating as a "bona fide" restaurant but, rather, is only concerned as to whether the City can accomplish its redevelopment plan.

Despite the improper and unlawful motives of the City in regards to accomplishing its redevelopment plan, my client has acted in the spirit of cooperation and has agreed to make the changes to its restaurant facilities as suggested by the City. It has been approximately six months since our June 14 meeting and, aside from successfully taking significant measures to reduce possible complaints and to increase its restaurant business, my client has been in contact and has met with several restaurant consultants in an effort to make the changes suggested by the City.

As I stated in my letter of November 21, 2001, my client is currently in negotiations with Bill Bruzzone of Bruzzone Restaurant Group. The purpose of the negotiations includes restaurant consulting services, renovation plan details and improvements to Legends. Please feel free to contact Mr. Bruzzone with any questions at (209) 462-4782. My client believes that the services which Bruzzone Restaurant Group has to offer can greatly benefit the City and Legends. Although my client anticipates that negotiations with Bruzzone Restaurant Group can be successfully completed within the next two months, continued interference and harassment by the City will obviously have the effect of impeding such negotiations since my client's attention

Jerry J. Adams
Lodi Police Dept.
December 28, 2001
Page 3

will be diverted to other issues. Furthermore, my client would appreciate the City honoring its promise of allowing Legends one year to take measures suggested by the City, without further interference and harassment by the City.

If you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "A. L. Vignolo", written over a horizontal line.

ANTHONY L. VIGNOLO
Attorney at Law

:alv

cc: Jacqueline Brown

Jerry J. Adams
Chief of Police

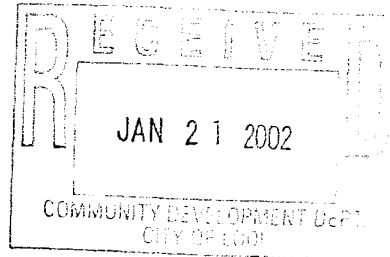
LODI POLICE DEPARTMENT

230 West Elm Street
Lodi, California 95240
(209) 333-6727



January 14, 2002

Neumiller & Beardslee
Mr. Anthony L. Vignolo, Attorney at Law
PO Box 20
Stockton, CA 95201-3020



Re: Legends Unlimited, Inc - Lodi

Dear Mr. Vignolo,

I did receive your correspondence dated December 28, 2001 and would like to respond to areas of concern you addressed:

- 1) I did correspond with Mr. Len Bachman, District Administrator for the California Department of Alcoholic Beverage Control to inquire if the ABC had in fact completed an audit of Legends to determine the percentage of business that was bar related v restaurant/food related. As I recall at the June 14th meeting Mr. Bachman stated that ABC would be completing such an audit and I simply asking was that the Lodi Police Department be advised of the results of the ABC audit. Mrs. Brown did apply for and receive a modified ABC license as a restaurant, which would allow for children in the premises; therefore, that request is not unwarranted. Our meeting with Mrs. Brown was on June 14th and I requested the ABC results on December 18th, which would be six months after our initial meeting. The Alcoholic Beverage Control certainly has regulatory authority to conduct such an audit and given our discussions six months earlier it would seem prudent that they see what, if any progress had transpired.
- 2) As for your contention that "City Representatives" gave Mrs. Brown one year to conform to the City's redevelopment plan, I do not recall words to that effect. I do recall a sprit of cooperation in trying to explain to Mrs. Brown and her Council the importance of her conforming to the requirements of her conditional use agreement and comments by the ABC representative that the Sate of California had the ability to seek immediate action for compliance to State regulations as they applied to the ABC license issued for that premises. I for one never gave any promise of a year to come into compliance, nor did any members of Lodi Police staff. If you or Mrs. Brown have had other conversations with "City Representatives," I am not aware of them
- 3) As for your comment that I told the press that Legends did not have any more problems than any of the other local establishments, That comment was based on a reporter's question asking if Legends posed any more law enforcement problems than other "Bars" in the area. To be fair to Legends and respond accurately to the question I responded that in my opinion Legends did not pose more law enforcement problems than other local bars in the area. I would still standby that comment; however, Legends cannot truly be compared to other bars in the area because of it's ABC license which allows for children on the premises. My comments were made in response to a direct question and with a desire not to discuss concerns my department had with the operation of Legends prior to the meeting we all had on June 14th. Your interpretations of my comments are incorrect and I thought we clarified them to you and Mrs. Brown on June 14th. It appears that did not occur either.

- 4) As for your contention that there were no specific requests that Legends renovate it's kitchen facilities, or hire a professional management team, I can only say that we must have both been at two different meetings. Several times the point was made that a restaurant atmosphere (including kitchen) was imperative rather than the bar atmosphere currently in place. Several examples were given over the course of the meeting including an Applebee's type facility/atmosphere. Your recollection, in my opinion is simply incorrect.
- 5) I take issue with your comments regarding improper and unlawful motives of the City to accomplish redevelopment objectives. The Lodi Police Department has a responsibility to ensure that State law and local ordinances are complied with. Mrs. Brown has applied for and been granted a conditional use permit and an ABC license that allows children into her business. We have a responsibility to ensure that the business is operated within the scope of its restrictions. This is not improper or unlawful, it is our responsibility as a law enforcement agency. If Mrs. Brown did not want to comply with the requirements of the license(s) she was granted, she should not have applied for them.
- 6) Six months after our initial meeting, it is my understanding that Legends still does not have what would be considered by the restaurant industry as a full-kitchen. As a result, and contrary to your representations we continue to experience bar-crowd associated problems, as I previously provided information on. I did ask that the Alcohol Beverage Control provide me with results of the audit they indicated they would do, to determine if Legends is in compliance with their ABC license, and take appropriate action if indicated. I still have not received the formal results of that audit and will reserve any comments until I can review their findings.
- 7) I am happy that Mrs. Brown is talking with a restaurant group and I wish her the best with her negotiations. I feel no need to contact the restaurant group as you offered for fear that any questions or comments that might be made would also be misinterpreted or taken out of context as you have demonstrated in your most recent correspondence. We certainly have no intention of interfering or harassing your client or negatively affecting any negotiations as you inferred. We will continue to monitor the situation and enforce applicable laws as appropriate.

In light of the accusatory tone of your most recent correspondence dated December 28th, I would ask that any further correspondence you have concerning this matter be directed to Lodi Deputy City Attorney Steve Schwabauer who was also present at the June 14th meeting you have referred to.



Jerry J. Adams
Chief of Police

C: Dixon Flynn, City Manager
Captain Ron Tobeck, Operations Division Commander
Lieutenant Chet Somera, District Commander
✓ Konradt Bartlam, Community Development Director
Tony Goehring, Economic Development Director
Len Bachman, District Administrator, Alcoholic Beverage Control
Steve Schwabauer, Deputy City Attorney

BRUZZONE
RESTAURANT GROUP

A Restaurant Management Company

RECEIVED

FEB 20 2002

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

2/19/2002

Konradt Bartlam
Community Development Director

City of Lodi
PO Box 3006
Lodi, CA 95241-1910

Dear Sir,

It was a pleasure to meet with you last week. I think I was able to get a good understanding of what is needed to keep the business of Legends a thriving downtown operation and in keeping with the family friendly atmosphere that is being fostered in the downtown area. Your frankness and open-mindedness was greatly appreciated and all of the comments that were expressed are being taken into consideration while developing our business plan. Enclosed you will find our Executive Summary and timeline as well as a preliminary outline describing what elements we plan to introduce in the Legends space to bring about the necessary changes.

I am meeting with my kitchen designer this Saturday at Legends to begin the process of redesigning the inside space to accomplish these goals. I hope to have his first set of drawings in two weeks from this Saturday.

Thank you in advance for your ongoing cooperation and support in bringing about a well timed change to the attitudes and demographics to the downtown Lodi area.

Sincerely,



Bill Bruzzone
Bruzzone Restaurant Group, Inc.



BRUZZONE

RESTAURANT GROUP

A Restaurant Management Company

2/19/2002

The primary goal of this business venture is become profitable as soon as possible. We intend to draw more customers into the establishment as restaurant patrons while still keeping the bar business as at optimum levels. We have done extensive work in the last two years analyzing the downtown Stockton market for a Pub & Restaurant and we feel that a majority of this work can be applied to the downtown Lodi area as well. The main hurdle is to re-educate the public on coming to this particular establishment and consider it as a viable place to eat. With the proximity of the theater and the new parking structure we feel that this is the prime location to insert our specific talents to create what we know will be a successful downtown business.

To accomplish the above we feel that it is imperative that we engage the customer and make them become part of the dining experience. This is done by the addition of an exhibition kitchen that will be viewable from all sides with access to the outside patron through a large window with our products for sale being prominently displayed. In doing this we can achieve what we perceive as the primary purpose for our being called into Lodi, to increase the family friendly atmosphere of Legends. Accompanied by the marketing of legends inside of the theater on its screens to an aggressive print and radio campaign we feel that the Lodi customer will be drawn inside, sit down and enjoy all that Legends has to offer. Food will be available seven days a week from 11:00 am to 11:00 pm. The expansion of the meal time hours to include breakfast are being considered, as the closest breakfast location recently has closed its doors.

Attached you will find our Executive Summary describing who we are and a more detailed explanation on our methods of realizing the above stated goals. Please treat these documents as confidential and are not to be released to any person to whom they are specifically intended.

BRUZZONE

RESTAURANT GROUP

A Restaurant Management Company

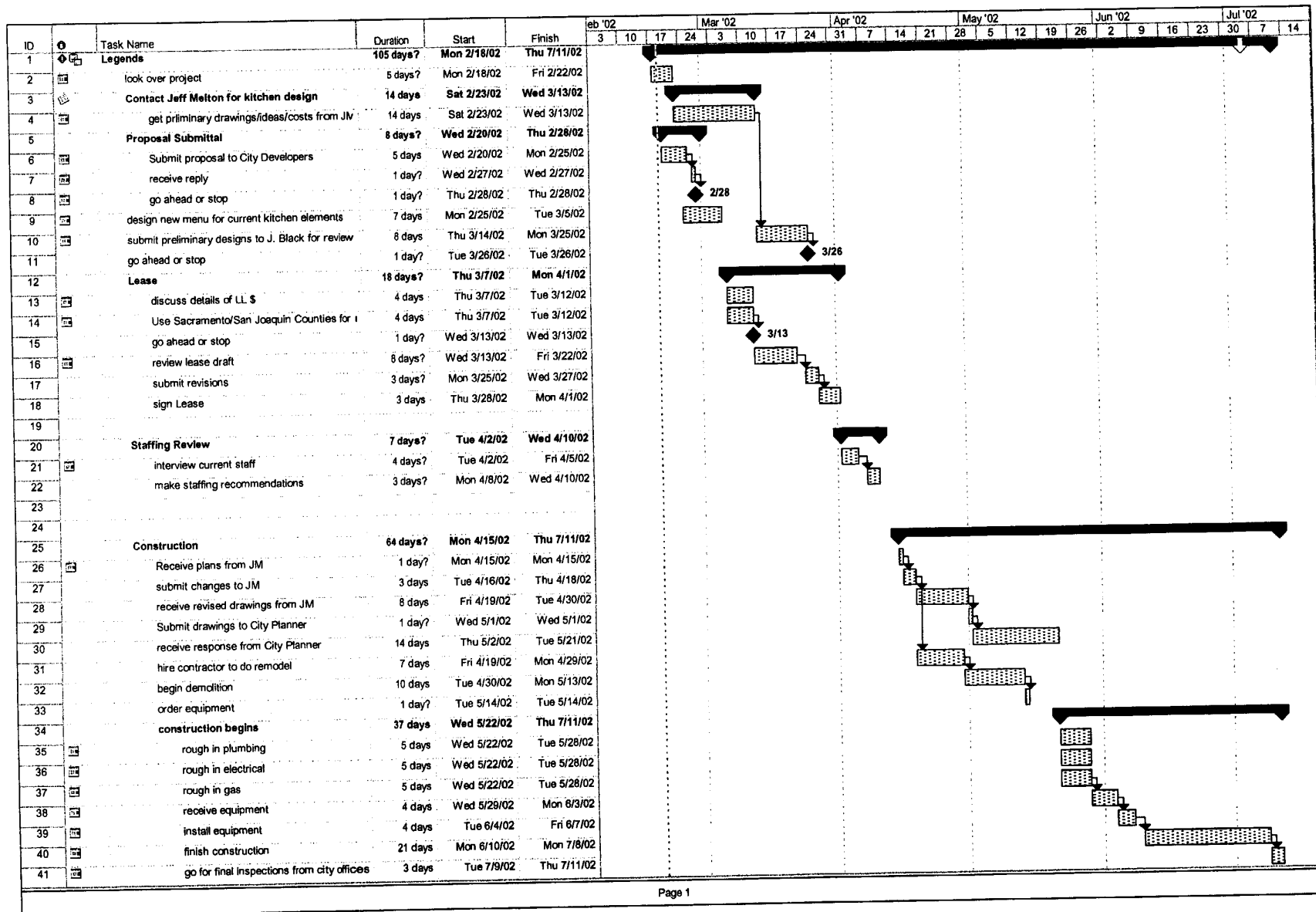
February 19, 2002

Preliminary Outline for Remodel of Legends

- Implement a menu with emphasis on cold food to reflect the style and quality of the changes to come
- Lease a ventless piece of equipment for grilling
- Design and build an exhibition kitchen located on the SW corner of the building.
 - Installation of exhaust hood vented out the front of the building and traveling up to the roof
 - 36" grill
 - dual fryer
 - 4 burner sauté and oven
 - cheese melter
 - refrigeration
 - hand sink
- Introduce an outside in element to engage the outside patron who wishes to walk up and order food items and non alcoholic beverages
- Redesign the current kitchen area for use as the cold food production area
- Redesign an interior location for the dishwashing room and prep area
- Study the feasibility of the addition of a smoking room to discourage the "in and out" practices that can lead to undesired activity

Proposed changes to the operation of Legends to bring about desired operational standards

- Aggressively market the "New Legends" in the local papers, theater and targeted direct mailing
- Institute an after 11 pm restriction on patronage to include those over 21 years of age.
 - Between the hours of 9 pm and 11 pm when entertainment is available a clearly visible hand stamp to denote under 21 vs. over 21
 - At 11 pm. Only those over 21 will be allowed to remain



Bruzzozone Restaurant Group

Executive Summary

Legends **of Lodi**

Executive Summary

The business plan of Legends is based on 4 basic principles:

- **Personnel** – Attract the best and brightest and foster a genuine sense of upward mobility within the organization.
- **Market Presence** – Through our collective experience in the California restaurant arena we have developed useful insight to the desires of the discerning diner.
- **Uniqueness of Concept** – The greater Stockton area has a wide market gap in the upscale steak and seafood segment.
- **Responsible Financial Plan** – A well thought out financial plan and a combined six decades of successful restaurant operational experience to insure profitability.

Personnel:

Bruzzone Restaurant Group will provide the management for Legends. Bill Bruzzone has assembled a management team that has over 50 years in the restaurant industry. Mr. Bruzzone graduated from the California Culinary Academy in 1988 and has held a number of restaurant management positions. Executive Chef Chris Isert, also a graduate of the California Culinary Academy (coincidentally at the same time as Mr. Bruzzone), has worked and studied in the best restaurants in the greater San Francisco Bay Area, developing his personal style and a devotion to quality ingredients that is displayed in every plate that is delivered to each guest. Over the last 30 years Operations Manager Dennis Parrish gained a wealth of management experience ranging from private country clubs to high-end diner houses.

The staff of Legends will consist of those professionals who display the attention to detail and quality that is demanded for each and every plate, cocktail and service offered.

The Management Team

The Bruzzone Restaurant Group is the company that will provide the management for Legends. This Group consists of:

➤ **Bill Bruzzone**, Owner and General Manager

He graduated from the California Culinary Academy in 1988. He has gained experience working in some of the best restaurants in the Bay area. He has always strived for excellence in every aspect of his career.

- "I have always found that I get the most satisfaction from knowing that all of the details are being looked after, from the attentiveness of the wait staff and the plate presentation to the frost on the cold beer glass."

➤ **Dennis Parrish**, Operations Manager

For the past fourteen years Dennis has built up a successful neighborhood bar employing the knowledge gained from years of management in private clubs and upscale dinner houses.

- "I have learned to be creative during my 30 years in the restaurant and bar business. I especially enjoy taking some of the old recipes and giving them a new look and taste with personal flair. For example, I would take a standard Irish Coffee, add a touch of Kahlua instead of sugar and lace the whipped cream on top with thin ribbons of Kahlua, capping it off with a cherry. Bringing new life to an old standard."

➤ **Chris Isert**, Executive Chef

Graduated from the California Culinary Academy in 1988, Chris Isert has applied himself diligently to the task of operating an efficient and profitable kitchen, whether it be at a resort in Vail, a convention center or the food and beverage manager/Executive Chef at a golf course and country club he has succeeded in his endeavors.

- "Creating an atmosphere for dining enjoyment by coupling it with my talent for food and wine is my goal. Bringing in our guests for exquisitely prepared cuisine in a comfortable space and seeing their enjoyment is very rewarding"

Market Presence:

Legends will be the market maker and leader in the themed dining and entertainment genre in the San Joaquin Valley.

Uniqueness of Concept:

Legends is unique. There are no other themed restaurant/bars in the San Joaquin Valley that are as successful or have the market presence that already exists at Legends. With the introduction of quality food to this equation we see this as a destination for the whole of the San Joaquin Valley.

Responsible Financial Plan:

Through many years of experience the management team of Bruzzone Restaurant Group has developed a series of tested systems and controls designed to maximize profits, cut waste and increase product turnover. The core leadership team of Mr. Bruzzone, Mr. Parrish and Mr. Isert are single-minded in the idea of attention to detail with the ultimate goal of returning a profit and maximizing the returning customer base.

The Legends Vision

Legends... The name invokes a sense of nostalgia while at the same time conveying the idea of what you can expect to find inside, the highest quality food and unique movie and entertainment memorabilia.

General Manager Bill Bruzzone and his core staff invite you to join them in creating the Legends experience. Consisting of a themed menu that reflects the passion and imagination of Chef Chris Iserl complimenting the friendly and stylish accoutrements to the professionalism of the staff, Legends will become a singular destination for Lodi and the surrounding areas.

Mr. Bruzzone, et al, have focused on the Lodi area, particularly the theater area because Lodi, specifically downtown, does not have a venue like Legends. Legends will draw upon the growing local business and movie going community as well as the more sophisticated evening diner. Thus satisfying the need for this level of quality product and ambiance within the most unique restaurant in Lodi.

The Business of Legends

Legends will be open for lunch and dinner seven days a week. The average check will be approximately \$10.00 to \$14.00/person for lunch and \$14 to \$18/person for dinner. Annual sales are forecasted to be \$800,000.00 with a net operating profit of 5-8%.

The look of Legends

The look of Legends has been defined as the premiere movie buff destination in the central valley. We don't feel that we can improve on this already wonderful idea. The interiors have been meticulously assembled to give each guest the maximum viewing pleasure of many generations of movie going enjoyment. Only minor changes we feel will be needed to conform to our high standards of cleanliness and guest safety.

The Menu of Legends

Chef Isert's passionate dedication to using only the freshest seasonal ingredients will be the cornerstone of the menu at Legends. Chef Isert has developed a mix of traditional and innovative dishes. His devotion to using only quality ingredients in these dishes is apparent in the presentation and flavors of the finished product.

The Beverages at Legends

Mr. Parrish has designed a bar selection that is second to none, from the high-end liquors, the selections in the well, the assortment of individually constructed cocktails to the diversity and depth of the wines available. Mr. Parrish draws from a wealth of experience in his management of private clubs, large and small dinner houses and local bar ownership. He has applied this knowledge to Legends. The pricing of the bar items will be \$4.00 for a well drink, \$4.50 for a premium 20 oz. draft, \$3.50 for bottled beers and a wine by the glass for \$5.00 - \$7.00.

Entertainment at Legends

Entertainment at Legends will consist of live music on Friday and Saturday with a DJ on Thursday & Sunday nights. Mondays through Wednesdays there will be a juke box. Dancing will always be available. For those that wish to play a game or two of pool, one table is located adjacent to the dance floor.

Legends Marketing Plan

Marketing Mission Statement - Legends will aggressively market to its clientele through print advertising, community involvement, web-based marketing plans and in house guest relations.

Guest profile of Legends: The downtown restaurant goer between the ages of 21 and 45 with an average income of 45k seeking an environment that is both exciting and entertaining. Our guests will experience the highest level of service, food and beverages available without having to travel to San Jose, Sacramento or San Francisco.

Our primary target market is derived from those within the Lodi city limits, with an aggressive push in the immediate downtown area for lunch patronage consisting of the professional businessperson in an unparalleled atmosphere.

Our second market will be the diner with discretionary time to enjoy all of what Legends has to offer.

The third market will consist of people choosing Legends as a destination. For these guests we can offer private banquet facilities as a buyout all with custom menus and a selection of room setups.

Extensive print, radio and television advertising will reach and entice the guests from the North Stockton area as well as the local Lodi community.

Marketing Plan Timeline: (for new restaurant)

Pre-Opening:

- Ground breaking ceremony with local politicians, celebrities and businesspersons
- Press releases to all of the local publications
- Press release to the Lodi Chamber of Commerce
- Invitational practice runs
- Guest appearances throughout the community
- Web based marketing using MAYA Marketing to develop a presence.

Opening:

- Opening Party
- Open house for local press and Chamber of Commerce members
- Open house for the surrounding business owners
- Live remotes with the local radio stations

Ongoing:

- Newspaper reviews
- Quarterly newsletter
- Customer appreciation parties
- Quarterly targeted business luncheons for Real Estate, Banks, Auto Dealers, Legal and other professionals located in downtown Lodi.

Cost Control Systems

Most people would agree that great food, service and atmosphere are the three key things to ensure the success of a restaurant. Many people have experienced well run restaurants that have failed, even with great food, service and atmosphere. The reasons most restaurants fail is not because of poor quality food and service but because of poor management of costs. The restaurant business is won and lost on control of food, beverage and labor costs. At Legends we will take cost control seriously. Our menu and beverage programs reflect not only the tastes of our guests, but also the financial goals of our operating budget.

Among the tools employed at Legends are a comprehensive point of sale (POS) system - Digital Dining, and a recipe-costing program - Chef-Tec. Through conscientious use of these main tools the management team of Legends can and will be able to monitor every aspect of sales to ensure fiscal responsibility.

The Digital Dining program allows the user to design, implement and control all aspects of the reservation, dining room seating, and check delivery systems. This is accomplished through the use of touch sensitive screens used for all data entry. An extensive reporting feature allows the management team to produce detailed usage and sales reports for each server, station and work area. The Digital Dining system will also act as the timekeeper for all hourly employees.

Digital Dining allows us to create daily, weekly and monthly menu mix reports and gross profit statements. The key to controlling costs is to have the information to manage where you are currently and where you need to guide the menu in order to reach the desired financial goals. We believe Digital Dining to be an invaluable tool in monitoring food costs and helping drive the business.

Legends also uses the Chef-Tec software to manage all aspects of recipe costing. Proper recipe costing is the cornerstone to controlling waste and maintaining the proper food cost. Through the use of Chef- Tec our kitchen managers can determine the necessary price points in order to accommodate the overall food cost of the daily specials that are produced. Attached are a sampling of menu items, recipes and costings. These recipes and costings are completely scaleable to allow for easy transition to different party sizes.

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
EMILY HOWARD
KEITH LAND
ALAN S. NAKANISHI

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-611
FAX (209) 333-6842

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney

February 26, 2002

Bill Bruzzone
Bruzzone Restaurant Group, Inc.
509 West Weber Avenue, Suite 410
Stockton, CA 9520

Dear Mr. Bruzzone,

I have reviewed your letter to me dated February 19, 2002. I understand a similar letter has been sent and reviewed by the Police Department.

Generally speaking, I see no problems with the direction you are proposing. I would like to comment on a couple of specific items mentioned in your correspondence.

As it relates to the new kitchen, I am skeptical about your proposed venting system. I will take a very critical perspective on the visual impact to the exterior. With regard to entertainment, I am not opposed to your thoughts on time frame and age restriction, however, if it becomes anything like what is occurring at Legends now, you will be hearing from us. As an example, I was at the theater on Saturday night at 11:30 p.m. When I exited the theater, there was a loud crowd of approximately twelve people outside of Legends. The music was clearly audible a block away where I was parked. Moreover, the couple I was with stated that they would be uncomfortable having to walk past the crowd if their car was parked in the structure at Sacramento and Elm Streets. This is not the business climate we are trying to promote downtown.

Finally, the time frame you have proposed is acceptable to us at the City. In fact, I will suggest that if you or some other entity does not undertake this type of transition, then we will be forced to take a more aggressive position on enforcing the conditions of the Use Permit that exists for the business.

I understand that the Police Department is sending a response under separate cover. If I may be of any assistance in your endeavor, please do not hesitate to contact me.

Sincerely,



Konradt Bartlam
Community Development Director

KB/nme

Cc: Police Chief
Economic Development Director
Deputy City Attorney

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
EMILY HOWARD
KEITH LAND
ALAN S. NAKANISHI

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
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(209) 333-6711
FAX (209) 333-6842

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney

May 16, 2002

Legends Unlimited, Inc.
Legends
27 W. Elm Street
Lodi, CA 95240

Re: Use Permit U-99-02
Legends

This letter is being sent to inform you of the City of Lodi's intent to initiate revocation proceedings for the above referenced Use Permit. It is staff's belief that issues have been outlined to you in the past that were of a serious nature and those issues remain today.

You will receive a formal notification of the date and time of the Planning Commission hearing as will all property owners within 300 feet of the subject site. At that time, you will have the opportunity to address the Planning Commission.

It is unfortunate that the situation has come to this point. Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



Konradt Bartlam
Community Development Director

KB/nme

cc: City Manager
City Attorney
Police Chief
Len Bachman, State Alcoholic Beverage Control
Anthony Vignolo, Neumiller & Beardslee

MAY -24' 02 (FRI) 16:04 N. & B

TEL: 948-4979

P. 002

**NEUMILLER & BEARDSLEE**

A PROFESSIONAL CORPORATION • ATTORNEYS & COUNSELORS

ESTABLISHED 1903

11094-28243

*Anthony L. Vignolo*509 WEST WEDER AVENUE
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(209) 577-8200
(209) 577-4910 FAX

May 24, 2002

Via U.S. Mail and FaxKonradt Bartlam
Community Development Director
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910Re: Legends Unlimited, Inc./Use Permit U-99-02

Dear Mr. Bartlam:

This letter is to confirm your telephone conversation with my client, Jacqueline Brown, on May 22, 2002, regarding potential revocation proceedings of the above-referenced Use Permit and also serves to provide you with some preliminary information regarding the current status of negotiations for the sale or lease of Legends Unlimited, Inc.

Mrs. Brown has informed me that, pursuant to your telephone discussion, you graciously agreed to postpone or otherwise reconsider the necessity of such revocation proceedings provided that Mrs. Brown provide you with documentation on or before May 31, 2002, evidencing that substantial progress has been made toward the sale or lease of Legends Unlimited, Inc.

As you know, my client had been negotiating for the sale or lease of Legends with Bruzzone Restaurant Group since September 2001. As you also know, Bruzzone Restaurant Group was one of the founding partners of Bella Vista Restaurant in Stockton, which appears to be quite a success. However, on or about April 3, 2002, Bruzzone Restaurant Group disassociated with the other Bella Vista partners and discontinued doing business in San Joaquin County. Accordingly, Bruzzone Restaurant Group terminated negotiations with Mrs. Brown on or about April 10, 2002.

Despite the foregoing, the remaining partners of Bella Vista, including Monte Vista Development, have expressed significant interest in purchasing or leasing Legends.

MAY. -24' 02(FRI) 16:05 N. & B

TEL:948-4979

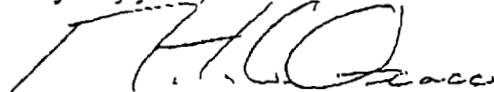
P. 003

Konradt Bartlam
May 24, 2002
Page 2

Between April 11, 2002 and present, Mrs. Brown has met with and has proceeded with negotiations with Monte Vista Development.

I look forward to providing you with documentation on or before May 31, 2002, evidencing the substantial progress which has been made thus far with Monte Vista Development in negotiating for the sale or lease of Legends Unlimited, Inc. Thank you again for your continuing patience and cooperation and, if you have any questions or concerns, please do not hesitate to contact me at the office.

Very truly yours,



ANTHONY L. VIGNOLO
Attorney-at-Law

:alv



NEUMILLER & BEARDSLEE

A PROFESSIONAL CORPORATION • ATTORNEYS & COUNSELORS

ESTABLISHED 1903

RECEIVED

11094-28243

MAY 31 2002

COMMUNITY DEVELOPMENT DEPT.
CITY OF LODI

Anthony L. Vignolo

509 WEST WEBER AVENUE
FIFTH FLOOR
STOCKTON, CA 95203

POST OFFICE BOX 20
STOCKTON, CA 95201-3020

(209) 948-8200
(209) 948-4910 FAX

FROM MODESTO:
(209) 577-8200
(209) 577-4910 FAX

May 30 2002

Via U.S. Mail and Fax

Konradt Bartlam
Community Development Director
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

Re: Legends Unlimited, Inc./Use Permit U-99-02

Dear Mr. Bartlam:

To follow-up with my letter of May 24, 2002, I recently spoke with T.W. Starkweather, CEO of Monte Vista Entitlement, Inc., and requested that he provide me with a letter confirming his intention to continue negotiations with my client for the purchase and sale of Legends Unlimited, Inc., and to further provide me with a timeline for the anticipated completion of negotiations and acquisition of the business.

Today, I received the above-referenced letter, which is enclosed herewith, from Mr. Starkweather. I do intend on keeping you informed as negotiations progress. Likewise, if you have any questions, comments, or suggestions, please do not hesitate to contact me. Mrs. Brown and I appreciate your continuing cooperation and patience in this matter.

Very truly yours,

ANTHONY L. VIGNOLO
Attorney-at-Law

:alv
Enclosure

Monte Vista Entitlement, Inc.

May 29, 2002

Anthony L. Vignolo, Esq.
Neumiller & Beardslee
509 West Weber Avenue
Stockton, CA 95212

Re: Acquisition of Real Property Located at 27 W. Elm Street and Legends Unlimited

Dear Mr. Vignolo:

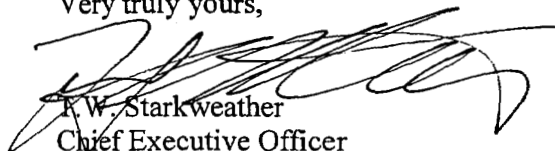
Per your request, I am confirming my intention to continue negotiations for the sale and purchase of that certain real property located at 27 W. Elm Street, Lodi, California 95203, also known as 104 School Street, Lodi, California 95204, and for the sale and purchase of Legends Unlimited, Inc. As you have also requested, I am providing you with a tentative timeline for completion of the acquisition, presuming that negotiations conclude successfully.

Thus far, I have visited the property site, reviewed the documents which you have provided, including the income and expense sheets for both the property and Legends, and have discussed and conferred with your client on numerous occasions. As you know, your client and I have discussed and have substantially agreed on most of the specific terms of the acquisition.

As I have previously discussed with you, I do believe that your client and I can successfully negotiate the remaining terms of the acquisition within the next two weeks. I am hopeful that a purchase and sale agreement can be executed with your client on or before June 28, 2002, with close of escrow to occur approximately ninety days therefrom. This timeline will allow for a 60-day inspection period and 30 days to obtain necessary financing. As you know, my goal is to renovate the building and convert Legends into a family style restaurant. Although I believe that such a renovation will compliment the needs of the surrounding area, unfortunately it will also prove to be quite costly. Although your client is willing to carry a substantial portion of the note for the acquisition, additional financing will be necessary in light of these anticipated renovation costs.

I understand that your client is currently out of town due to a death in the family. Please contact me upon her return so that we may schedule another meeting and proceed accordingly.

Very truly yours,



K.W. Starkweather
Chief Executive Officer

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
EMILY HOWARD
KEITH LAND
ALAN S. NAKANISHI

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6711
FAX (209) 333-6842

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney

May 31, 2002

Anthony Vignolo
Neumiller & Beardslee
PO Box 20
Stockton, CA 95201-3020

Dear Mr. Vignolo,

I am in receipt of your fax to me with the attachment from Monte Vista Entitlement. While I appreciate the effort occurring in order to resolve the on-going issues at Legends, I am not yet convinced that a solution has been found.

I intend to schedule the revocation matter before the Lodi Planning Commission at their July 10th meeting. If Mr. Starkweather is successful in executing a purchase and sale agreement prior to that date, I will recommend a continuance of the matter. I feel the City cannot be strung along any further.

I will be happy to answer any questions you may have.

Sincerely,

Konradt Bartlam
Community Development Department

KB/nme

Cc: City Manager
City Attorney
Police Chief
Legends

JUL -09' 02 (TUE) 20:55 N. & B

TEL: 948-4979

P. 002



NEUMILLER & BEARDSLEE

A PROFESSIONAL CORPORATION • ATTORNEYS & COUNSELORS

ESTABLISHED 1903

11094-28243

Anthony L. Vignolo

509 WEST WEBER AVENUE
FIFTH FLOOR
STOCKTON, CA 95203

POST OFFICE BOX 20
STOCKTON, CA 95201-3020

(209) 948-8200
(209) 948-4910 FAX

FROM MODESTO:
(209) 577-8200
(209) 577-4910 FAX

July 9, 2002

Chairman Crabtree and Commissioners
Lodi Planning Commission
CITY OF LODI
P.O. Box 3006
Lodi, CA 95241-1910

Konradt Bartlam
Community Development Director
CITY OF LODI
P.O. Box 3006
Lodi, CA 95241-1910

Re: Use Permit 99-02/Legends Unlimited, Inc.

Dear Chairman Crabtree, Commissioners, and Mr. Bartlam:

As you know, the City of Lodi Planning Commission is scheduled to hear the issue regarding revocation of Use Permit 99-02 of Legends Unlimited, Inc. ("Legends"), on Wednesday, July 10, 2002.

As the attorney for Legends, I respectfully request the Planning Commission to grant my client a continuance to a date certain of November 6, 2002, in light of the following facts.

At a meeting last year on June 14, 2001, the City of Lodi had unequivocally expressed its desire that Legends convert into a family style restaurant. Such a conversion would require, among other things, hundreds of thousands of dollars in renovation expenses and an experienced restaurant manager or consultant. Accordingly, Jacqueline Brown, sole shareholder of Legends, met with restaurant consultants, and thereafter attempted to locate a qualified individual willing to purchase or lease Legends and perform the renovations. In September, 2001, Mrs. Brown began negotiating with Bill Bruzzone of Bruzzone Restaurant Group. Mr. Bruzzone, however, wanted to delay negotiations until he was sufficiently able to get his new project, the Bella Vista Italian Restaurant in Stockton, underway. Mr. Bruzzone thereafter met with City of Lodi representatives and enthusiastically

JUL -09' 02 (TUE) 20:55 N. & B

TEL: 948-4979

P. 003

Chairman Crabtree, Commissioners, and Konradt Bartlam
July 9, 2002
Page 2

expressed his desire and goals for the renovation of Legends. Unfortunately, in April 2002, Mr. Bruzzone parted ways from Bella Vista, also causing Mr. Bruzzone to cease negotiations for the purchase or lease of Legends.

Mrs. Brown, however, resumed negotiations in May, 2002, with another Bella Vista partner, T.W. Starkweather of Monte Vista Entitlement, Inc. On May 16, 2002, Community Development Director, Konradt Bartlam, informed Mrs. Brown by written letter, which is included in the Staff Report, of the City's intent to initiate revocation proceedings of Use Permit 99-02. On May 22, 2002, Mrs. Brown contacted Mr. Bartlam who agreed to postpone or otherwise continue institution of such revocation proceedings if Mrs. Brown could provide him with documentation, on or before May 31, 2002, evidencing that substantial progress had been made toward the sale or lease of Legends. This conversation was confirmed by a May 24, 2002, letter from my office to Mr. Bartlam, and is included in the Staff Report.

On May 31, 2002, I faxed to Mr. Bartlam a copy of a letter from Mr. Starkweather detailing the status of the negotiations for the purchase of Legends, which is also included in the Staff Report. Also on May 31, 2002, Mr. Bartlam responded with a letter indicating that he intends to schedule the revocation hearing for the Planning Commission's July 10, 2002, meeting. A copy of this letter is also included in the Staff Report. Most importantly, Mr. Bartlam also stated in this letter that, if Mr. Starkweather is successful in executing a purchase and sale agreement prior to July 10, 2002, he would recommend a continuance of the matter. Needless to say, for the month of June, Mrs. Brown and her legal counsel focused on concluding negotiations and executing a purchase agreement with Mr. Starkweather. On July 2, 2002, a purchase agreement was executed and I contacted Mr. Bartlam to inform him of the same and offered him a copy of the agreement.

While I indulge your forgiveness for the late hour of this notice, I did not receive a copy of the Staff Report until July 5, 2002, at which time I first learned of Staff's recommendation to the Commission to revoke Use Permit 99-02. Hopeful that Staff would change its recommendation to one in support of a continuance, I provided Mr. Bartlam with a copy of the executed purchase agreement on July 8, 2002. Furthermore, on July 9, 2002, Mr. Starkweather and I met with Mr. Bartlam and Mr. Hays to discuss and confirm Mr. Starkweather's proposed plans for the renovation of Legends.

In light of Mr. Starkweather's plans to convert Legends into a "family-style" restaurant, Use Permit 99-02 is of significant value to him, and is crucial to the successful completion of the purchase and sale of Legends. An approximate 75-day escrow period is provided for pursuant to the purchase agreement, which will allow sufficient time for the necessary appraisal of the property, inspections, and financing.

JUL -09' 02 (TUE) 20:55 N. & B

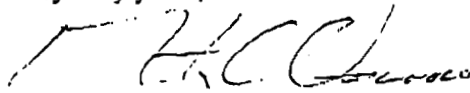
TEL: 948-4979

P. 004

Chairman Crabtree, Commissioners, and Konradt Bartlam
July 9, 2002
Page 3

In light of the foregoing, and on behalf of my client, I respectfully request a continuance of this matter to the date certain of November 6, 2002. Thank you in advance for your consideration.

Very truly yours,



ANTHONY L. VIGNOLO
Attorney-at-Law

Cc: Randall A. Hays, City Attorney

SHIFT SUMMARY

To: Chief Jerry Adams
Captain Ron Tobeck
Captain David Main

From: Sgt. Doug Chinn

Shift: Graveyard shift

Date: June 9, 2002

Calls of Interest: (Legends 242 & 245 Case #'s 6826 & 6825) There were two disturbances at Legends that occurred at the same time around 0001 hrs. Officers responded to Legends on the report of a 242 that just occurred. It was determined that a bouncer from Legends was assaulted by a suspect who was subsequently placed under citizens arrest by the bouncer. While investigating this case, we were advised of a 245 that just occurred in the women's restroom of Legends. A female was hit on the head with a beer bottle by another female. In this case the suspect was GOA and still outstanding. The victim female sustained a minor cut on the forehead. (Freeman, Kent, Paine, Chinn)

Citizen's Complaints: None

Use of Force: None

Injuries: None

PIO: None



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: August 21, 2002

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, August 21, 2002** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) the appeal from Neumiller & Beardslee, on behalf of Legends Unlimited, regarding the Planning Commission's decision to revoke Use Permit No. 99-02 for Legends Unlimited.

Information regarding this item may be obtained in the office of the Community Development Department Director, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: August 7, 2002

Approved as to form:

Randall A. Hays
City Attorney



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: SET PUBLIC HEARING FOR AUGUST 21, 2002 TO CONSIDER APPEAL
REGARDING USE PERMIT 99-02 REVOCATION, LEGENDS UNLIMITED

LEGAL AD

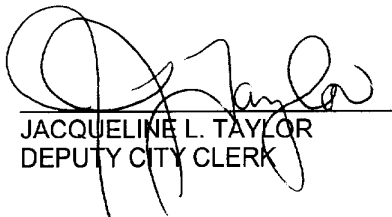
PUBLISH DATE: SATURDAY, AUGUST 10, 2002

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: Thursday, August 8, 2002

ORDERED BY:


JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

PATRICIA OCHOA
ADMINISTRATIVE CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

Faxed to the Sentinel at 369-1084 at _____ (time) on _____ (date) _____ (pages)
Kelsey _____ Phoned to confirm receipt of all pages at _____ (time) _____ Jac _____ Tricia _____ Jen (initials)



DECLARATION OF POSTING

SET PUBLIC HEARING FOR AUGUST 21, 2002 TO CONSIDER APPEAL REGARDING USE PERMIT 99-02 REVOCATION, LEGENDS UNLIMITED

On Thursday, August 8, 2002 in the City of Lodi, San Joaquin County, California, a copy of the appeal from Neumiller & Beardslee, on behalf of Legends Unlimited (attached hereto, marked Exhibit "A") was posted at the following four locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 8, 2002 at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON
CITY CLERK**

A handwritten signature in black ink, appearing to read "Jacqueline L. Taylor", is written over a horizontal line. Below the line, the text "Jacqueline L. Taylor" and "Deputy City Clerk" is printed.

Jacqueline L. Taylor
Deputy City Clerk

Jennifer M. Perrin
Deputy City Clerk

Patricia Ochoa
Administrative Clerk



DECLARATION OF MAILING

SET PUBLIC HEARING FOR AUGUST 21, 2002 TO CONSIDER APPEAL REGARDING USE PERMIT 99-02 REVOCATION, LEGENDS UNLIMITED

On August 8, 2002 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing notice of Public Hearing For August 21, 2002 To Consider Appeal Regarding Use Permit 99-02 Revocation, Legends Unlimited, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

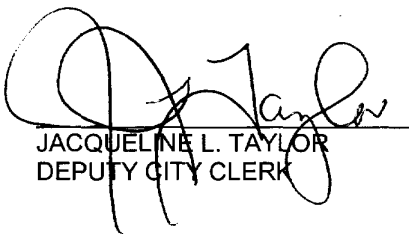
I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 8, 2002, at Lodi, California.

ORDERED BY:

SUSAN BLACKSTON
CITY CLERK, CITY OF LODI

ORDERED BY:


JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK

PATRICIA OCHOA
ADMINISTRATIVE CLERK

CITY OF LODI

CITY HALL, 221 W. PINE ST.
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

Community Development

Mailing List - Legends Appeal

Anthony L. Vignolo, Attorney at Law
Neumiller & Beardslee
P.O. Box 20
Stockton, CA 95201-3020

CITY OF LODI

CITY HALL, 221 W. PINE ST.
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

Community Development

Jacqueline Brown
c/o Legends Unlimited, Inc.
27 W. Elm Street
Lodi, CA 95240

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
EMILY HOWARD
KEITH LAND
ALAN S. NAKANISHI

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney

August 8, 2002

MAILED CERTIFIED MAIL #7000 1670 0008 4483 0947
and #7000 1670 0008 4483 0930
AND REGULAR U.S. POSTAL DELIVERY

Anthony L. Vignolo, Attorney at Law
Neumiller & Beardslee
P.O. Box 20
Stockton, CA 95201-3020

**RE: PUBLIC HEARING FOR AUGUST 21, 2002 TO CONSIDER APPEAL
REGARDING USE PERMIT 99-02 REVOCATION, LEGENDS UNLIMITED**

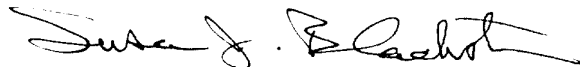
This letter is to notify you that a Public Hearing will be held by the City Council on **Wednesday, August 21, 2002**, at 7:00 p.m., or as soon thereafter as the matter can be heard, at the Carnegie Forum, 305 W. Pine Street, Lodi.

This hearing is being held to consider your appeal on behalf of Legends Unlimited, Inc. and owner Jacqueline Brown, to the Planning Commission's decision on July 10, 2002 to revoke Use Permit No. 99-22.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.
Note: Written correspondence for the City Council may be mailed in c/o the City Clerk's Office, P.O. Box 3006, Lodi, CA 95241-1910, or delivered to the City Clerk at 221 West Pine Street, Lodi, California.

Should you have any questions, please contact my office or Community Development Director Konradt Bartlam at (209) 333-6823.

Sincerely,



Susan J. Blackston
City Clerk

SJB/PO

cc: Community Development Director
Jacqueline Brown, Legends Unlimited, Inc.
(sent certified and US mail)



DECLARATION OF MAILING
LETTER TO APPELLANT

SET PUBLIC HEARING FOR AUGUST 21, 2002 TO CONSIDER APPEAL
REGARDING USE PERMIT 99-02 REVOCATION, LEGENDS UNLIMITED

On August 8, 2002, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, and additionally, United States certified mail envelopes with first-class postage prepaid thereon and indication of return receipt requested, containing a letter of notification, a copy of which is attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

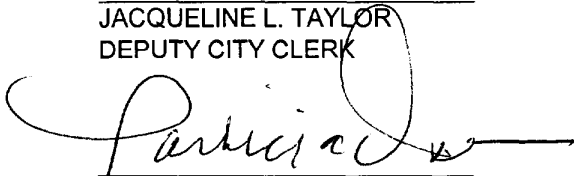
Executed on August 8, 2002, at Lodi, California.

ORDERED BY:

SUSAN BLACKSTON
CITY CLERK, CITY OF LODI

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK


PATRICIA OCHOA
ADMINISTRATIVE CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF CONTINUED PUBLIC HEARING

Date: OCTOBER 16, 2002

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTICE OF CONTINUED PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the August 21, 2002 public hearing of the City Council of the City of Lodi to consider public comments / testimony regarding an appeal from Neumiller & Beardslee, on behalf of Legends Unlimited, regarding the Planning Commission's decision to revoke Use Permit No.99-02 for Legends Unlimited, has been **continued to Wednesday, October 16, 2002**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard in the Lodi City Council Chambers, Carnegie Forum, 305 W. Pine Street, Lodi, California.

Posted August 22, 2002

SUSAN J. BLACKSTON
CITY CLERK
of the City of Lodi

DECLARATION OF POSTING
NOTICE OF CONTINUED PUBLIC HEARING
OF THE CITY COUNCIL OF THE CITY OF LODI

I, Susan J. Blackston, hereby certify that on August 22, 2002 I posted "NOTICE OF CONTINUED PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF LODI TO CONSIDER CONTINUED PUBLIC HEARING TO OCTOBER 16, 2002 TO CONSIDER APPEAL REGARDING USE PERMIT 99-02 REVOCATION, LEGENDS UNLIMITED", near the Council Chamber door; that said Notice remained posted until after the hour set for said hearing, as shown on said Notice.

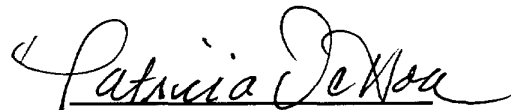
A copy of said "NOTICE OF CONTINUED PUBLIC HEARING" as posted near the Council Chamber door, is shown on the attached and is made a part of this Certificate of Posting.

Dated: August 22, 2002
(Date Posted - Must be within 24 hours)

ORDERED BY:

SUSAN J. BLACKSTON
CITY CLERK OF THE CITY OF LODI

ORDERED BY:


PATRICIA OCHOA
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK



DECLARATION OF POSTING

CONTINUED PUBLIC HEARING TO OCTOBER 16, 2002 TO CONSIDER APPEAL REGARDING USE PERMIT 99-02 REVOCATION, LEGENDS UNLIMITED.

On Thursday, August 22, 2002 in the City of Lodi, San Joaquin County, California, a copy of the continued Public Hearing to consider appeal regarding Legends Unlimited (attached hereto, marked Exhibit "A") was posted at the following four locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

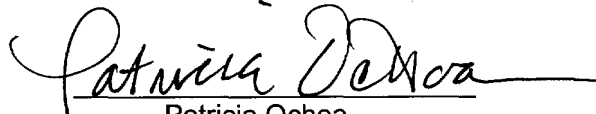
Executed on August 22, 2002 at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON
CITY CLERK**

Jacqueline L. Taylor
Deputy City Clerk

Jennifer M. Perrin
Deputy City Clerk


Patricia Ochoa
Administrative Clerk

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
EMILY HOWARD
KEITH LAND
ALAN S. NAKANISHI

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney

August 22, 2002

MAILED CERTIFIED MAIL #7000 1670 0008 4483 0923
AND REGULAR U.S. POSTAL DELIVERY

Anthony L. Vignolo, Attorney at Law
Neumiller & Beardslee
P.O. Box 20
Stockton, CA. 95201-3020

**RE: CONTINUED PUBLIC HEARING – OCTOBER 16, 2002
TO CONSIDER APPEAL REGARDING USE PERMIT 99-02 REVOCATION,
LEGENDS UNLIMITED, INC.**

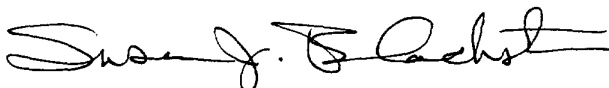
This letter is to notify you that the public hearing on August 21, 2002 was opened and continued to **Wednesday, October 16, 2002, at 7:00 p.m.**, or as soon thereafter as the matter can be heard, at the Carnegie Forum, 305 W. Pine Street, Lodi.

The hearing is being held to consider your appeal on behalf of Legends Unlimited, Inc. and owner Jacqueline Brown, of the Planning Commission's decision on July 10, 2002 to revoke Use Permit No. 99-22.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.
Note: Written correspondence for the City Council may be mailed in c/o the City Clerk's Office, P.O. Box 3006, Lodi, CA 95241-1910, or delivered to the City Clerk at 221 West Pine Street, Lodi, California.

Should you have any questions, please contact Community Improvement Director Rad Bartlam in the Community Development Department at (209) 333-6823.

Sincerely,



Susan J. Blackston
City Clerk

SJB/PO
cc: Jacqueline Brown, Legends Unlimited
Community Development Director



DECLARATION OF MAILING
LETTER TO APPELLANT

CONTINUED PUBLIC HEARING TO OCTOBER 16, 2002
TO CONSIDER APPEAL REGARDING USE PERMIT 99-02 REVOCATION, LEGENDS
UNLIMITED

On August 22, 2002, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, and additionally, United States certified mail envelopes with first-class postage prepaid thereon and indication of return receipt requested, containing a letter of notification, a copy of which is attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 22, 2002, at Lodi, California.

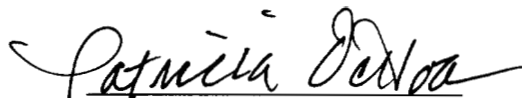
ORDERED BY:

SUSAN BLACKSTON
CITY CLERK, CITY OF LODI

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK



PATRICIA OCHOA
ADMINISTRATIVE CLERK

CITY OF LODI

CITY HALL, 221 W. PINE ST.
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

Anthony L. Vignolo, Attorney at Law
Neumiller & Beardslee
P.O. Box 20
Stockton, CA. 95201-3020

CITY OF LODI

CITY HALL, 221 W. PINE ST.
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

Jacqueline Brown
c/o Legends Unlimited, Inc.
27 West Elm Street
Lodi, CA 95240

NEUMILLER & BEARDSLEE

Post Office Box 20
Stockton, CA 95201-3020
Voice: (209) 948-8200
Fax: (209) 948-4910

August 19, 2002

FAX COVER SHEET**PLEASE DELIVER AS SOON AS POSSIBLE TO:**

RECIPIENT	COMPANY	FAX NO.	PHONE NO.
1. Konradt Bartlam	City of Lodi	209.333.6807	290.333.6702
2. City Council	City of Lodi	209.333.6807	209.333.6702

FROM: Anthony L. Vignolo, Esq.
PHONE: (209) 948-8200

FILE NUMBER #: 11094-28169

Total number of pages including this page: 3.
If you do not receive all the pages, please call (209) 948-8200

COMMENTS: Please see attached letter to Len Bachmun dated August 19, 2002

THIS TRANSMISSION IS INTENDED ONLY FOR THE PARTY TO WHOM IT IS ADDRESSED AND MAY CONTAIN PRIVILEGED AND CONFIDENTIAL INFORMATION. If you are not the intended recipient, you are hereby notified that any use, dissemination or copying of this transmission is prohibited. If you have received this transmission in error, please notify us immediately by telephone and return this transmission and any copies to us by mail. Thank you.

Sent By: ds

Time: _____



NEUMILLER & BEARDSLEE

A PROFESSIONAL CORPORATION • ATTORNEYS & COUNSELORS

ESTABLISHED 1903

11094-28169

Anthony L. Vignolo

August 19, 2002

509 WEST WEBER AVENUE
FIFTH FLOOR
STOCKTON, CA 95203

POST OFFICE BOX 20
STOCKTON, CA 95201-3020

(209) 948-8200
(209) 948-4910 FAX

FROM MODESTO:
(209) 577-8200
(209) 577-4910 FAX

VIA HAND DELIVERY

Len Bachman
District Administrator
Department of Alcoholic Beverage Control
Stockton District Office
31 East Channel Street, Room 168
Stockton, CA 95202

Re: Legends Unlimited, Inc.

Dear Mr. Bachman:

Last week, a representative of your Department informed me that an appointment would be necessary to review the application of Legends Unlimited, Inc., for an exchange of liquor license from a Type 47 to a Type 48, and you graciously agreed to schedule an appointment for the earliest available date of August 29, 2002 at 1:30 p.m. However, pursuant to our telephone discussion of this morning, you advised me to deliver the completed application today and that the Department would make a determination as to whether the scheduled appointment would still be necessary.

Accordingly, enclosed herewith is the original completed application for an exchange of liquor license from a Type 47 to a Type 48 for Legends Unlimited, Inc., along with the \$100.00 application fee. For your records, I am also enclosing a copy of the application for a use permit to exchange the liquor license, which was submitted to the City of Lodi on August 16, 2002.

If you have any questions or concerns, or if you need additional information, please do not hesitate to contact me at the office. Thank you for your assistance with this matter.

Very truly yours,

ANTHONY L. VIGNOLO
Attorney at Law

ALV:ds

Len Bachman
August 19, 2002
Page 2

Enclosures

cc: Konradt Bartlam (w/out encls. - via facsimile and U.S. mail)
City Council (w/out encls. - via facsimile and U.S. mail)



FACSIMILE COVER SHEET

CITY CLERK'S OFFICE
221 WEST PINE STREET - P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
PHONE (209) 333-6702 FAX (209) 333-6807
cityclrk@lodi.gov or jperrin@lodi.gov

DATE: August 20, 2002

FROM: Jennifer M. Perrin, CMC
Deputy City Clerk

TO: Rod Attebery
948-4910

COMMENTS: Attached is a copy of the "blue sheet" item, which was prepared by the Community Development Director and will be presented to the Council at Wednesday night's meeting. Please let me know if you still require a copy of the August 7 Council meeting audio tape, or if you would prefer that I mail you a copy of the minutes, which should be approved by Council at its next regularly scheduled meeting. Thank you.

THIS TRANSMITTAL CONTAINS 2 PAGE(S), INCLUDING THIS COVER SHEET.



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Continue Public Hearing to consider the appeal from Neumiller & Beardslee, on behalf of Legends Unlimited, regarding the Planning Commission's decision to revoke Use Permit No. 99-02 for Legends Unlimited.

MEETING DATE: August 21, 2002

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council continue the Public Hearing to October 16, 2002 pursuant to the Council direction given on August 7, 2002.

BACKGROUND INFORMATION: The City Council set the Public Hearing for this item on the August 21ST agenda. A stipulation was made that if the appellants submitted an application to change the alcohol license type from a Type-48 to Type-47, then the hearing on the appeal would be continued to October 16, 2002.

Staff received the application late Friday afternoon and as such would recommend the continuance.

FUNDING: None required

Konradt Bartlam
Community Development Director

Prepared by: Community Development Director

KB/lw

APPROVED: _____

H. Dixon Flynn -- City Manager